



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

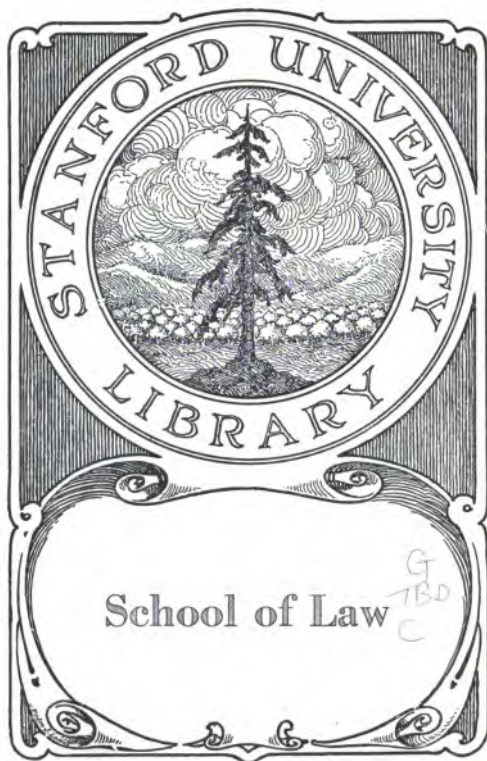
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Ham A



L A W S
AND RESOLUTIONS
PASSED BY THE
Seventh Legislative Assembly
OF THE
TERRITORY OF IDAHO.

COMMENCING ON THE SECOND DAY OF DECEMBER, 1872, AND
ENDING ON THE TENTH DAY OF JANUARY, 1873, AT
BOISE CITY.

—:0:—

BOISE CITY:
MILTON KELLY, TERRITORIAL PRINTER.

1873.

L12320

NOV 17 1938

CERTIFICATE.

TERRITORY OF IDAHO,
SECRETARY'S OFFICE.

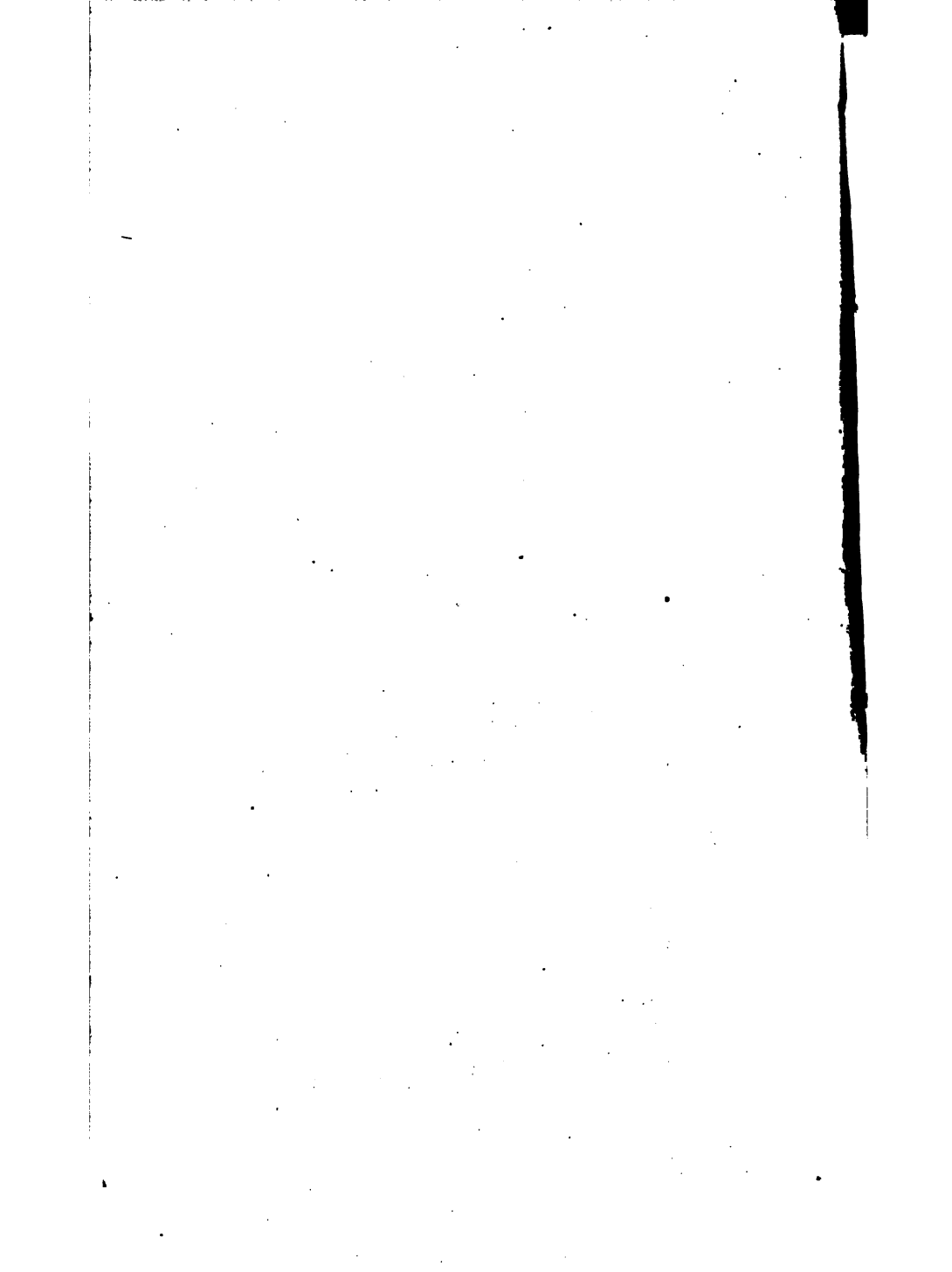
I HEREBY CERTIFY that the Laws and Resolutions contained in this printed volume are true and literal copies of the Enrolled Laws passed by the SEVENTH LEGISLATIVE ASSEMBLY, held during the months of December and January, Eighteen Hundred and Seventy-two and Seventy-three, on file in my Office.



IN WITNESS WHEREOF
I have hereunto set my
hand and affixed the
Seal of the Territory.

Done at Boise City,
this 1st day of August,
A. D. 1873.

E. J. CURTIS,
Secretary of Idaho.



L A W S
OF THE
TERRITORY OF IDAHO.

SEVENTH SESSION.

AN ACT

Concerning Grand and Petit Jurors.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. All persons who are citizens of the United States, and qualified electors of this Territory, shall be liable to be drawn as Jurors, except as hereinafter provided.

SEC. 2. The following persons shall be exempt from serving as Jurors: The Governor, Secretary, Treasurer, and Controller of the Territory; all Judges of the Courts of Record; all Priests and Ministers of the Gospel; Preceptors and Teachers of Academies and Schools, engaged as such; one Miller to each Grist Mill; one Ferryman to each licensed Ferry; all Officers of the United States; Attorneys and Counselors at Law, practicing as such; Practicing Physicians; Editors and Printers, engaged as such; all County, Precinct and Territorial Officers; all active members of Fire Companies; all persons more than sixty years of age; all persons not of sound mind or discretion, and persons subject to any bodily infirmity, amounting to a disability; and all persons shall be disqualified from serving as Jurors who have been convicted of a felony.

SEC. 3. The Boards of County Commissioners at their regular meetings in January of each year, shall select from the Poll List in their respective Counties—last returned to their Clerk—and make a list of the names of thirty (30) persons qualified to serve as Grand Jurors, which list, duly certified by

the Chairman of the Board of County Commissioners, shall be forthwith delivered to the Clerk of the District Court.

SEC. 4. If for any cause such list should not be made and delivered as aforesaid by the Board of County Commissioners at their regular meeting in January, it shall be their duty to make out and deliver the same as aforesaid at any regular meeting of the Board.

SEC. 5. In preparing such list the said Boards of County Commissioners shall select such persons only as they know or have good reason to believe are possessed of the qualifications by law required of persons to serve as Jurors, and are of approved integrity, fair character, sound judgment, temperate habits, and well informed.

SEC. 6. On receiving such list, the Clerk of the District Court shall record such names in the Jury Book, and write each name contained therein on a separate piece of paper, and such pieces of paper, which shall be alike as near as may be, with the names written thereon, shall be by said Clerk folded so that such names shall not be visible, and deposited in a box (to be kept by the Clerk for that purpose), from which they shall be drawn as hereinafter provided.

SEC. 7. At least fifteen days before the first day of each term of the District Court, the Clerk of the Court, in the presence of the Sheriff or Under Sheriff, and a Justice of the Peace, and such other persons as may be present, shall draw from said box the names of twelve (12) persons to be summoned as Grand Jurors.

SEC. 8. The Clerk of the District Court shall, immediately after such drawing, issue under the Seal of the Court, and deliver to the Sheriff, or Under Sheriff, a venire commanding the Sheriff to summon the persons so drawn as Grand Jurors, to appear before the said Court at eleven o'clock A. M., on the first day of the next regular term thereof, to serve as Grand Jurors.

SEC. 9. At least ten days' notice of such drawing shall be given by the Clerk, by affixing such notice on the outer door of the House where the Court for which such Jury is drawn is to be held.

SEC. 10. The Sheriff or Under Sheriff, or Deputy Sheriff, shall summon the persons named in such venire as therein commanded at least four (4) days before the first day of the next term of said Court, by giving personal notice to each of such persons, or by leaving a written notice at his place of residence with some person over fourteen (14) years of age, and shall return such venire to the Court at the opening thereof,

specifying in his return, those who were summoned and the manner in which each person was summoned.

SEC. 11. If any person duly drawn and summoned to attend as a Grand Juror in any District Court, shall neglect to attend without a sufficient excuse, he shall pay a fine not exceeding Fifty (50) dollars, which shall be imposed by the Court to which the Juror was summoned, which fine shall be paid into the County Treasury.

SEC. 12. Seven (7) persons shall be called of the Grand Jurors summoned and appearing, and sworn, who shall constitute a Grand Jury; and five (5) of their number shall concur in finding a bill of indictment, and one (1) of their number to be appointed by the Court shall be foreman.

SEC. 13. In case of a deficiency of Grand Jurors in any District Court, writs of *venire facias* may be issued to the Sheriff to return forthwith such further number of Jurors as may be required.

SEC. 14. The Sheriff shall summon such persons accordingly, who shall be bound to attend and serve (unless excused by the Court), in the same manner, and subject to the penalty for neglect, as the persons duly drawn by the Clerk of the District Court, and summoned as hereinbefore provided.

SEC. 15. Any person held to answer to any criminal charge, may object to the competency of any one summoned to serve as a Grand Juror, on the ground that he is a prosecutor or complainant upon any charge against such person, or that he is a witness on the part of the prosecution, or has been subpoenaed or bound in a recognizance as such; and if such objection be established, the person so objected to shall be set aside.

SEC. 16. The Grand Jury may appoint one of their number to be their Clerk, to keep minutes of their proceedings, which minutes shall be delivered to the District Attorney when the Grand Jury shall so direct.

SEC. 17. No Grand Juror, or officer of the Court, shall disclose the fact that an indictment has been found against any person not in custody or under recognizance, otherwise than by issuing or executing process on such indictment until such person has been arrested; and any Grand Juror or officer of the Court violating the provisions of this section, shall be fined in any sum not exceeding one thousand dollars, which shall be imposed by the Court, and be paid into the County Treasury.

SEC. 18. No Grand Juror shall be allowed to state or to testify in any Court in what manner he or any other member of the Grand Jury voted on any question before them, or what

opinion was expressed by any Grand Juror in relation to such question.

SEC. 19. Members of the Grand Jury may be required by any Court to testify whether the testimony of a witness examined before the Grand Jury is consistent with, or different from the evidence given by such witness before such Court, and they may be required to disclose the testimony given before them by any person upon a complaint against such person, for perjury in giving such evidence before them, or upon his trial for such offence.

SEC. 20. No Petit Jurors shall be summoned to attend any District Court until after a case requiring a Jury has been set for trial at an hour fixed by order of the Court; and all cases requiring a Jury shall be set down for trial so as to be tried consecutively, as near as may be, consistently with the proper disposition of the business before the Court. When a case is set for trial, for the trial of which a Jury is required, the Judge of the Court, and Sheriff, in open Court, shall select from the latest poll-list of the County the names of such number of persons as the Court shall order, to serve as Petit Jurors, and a list of such names shall be made and entered of record by the Clerk, who shall immediately issue a *venire* under the seal of the Court commanding the Sheriff to summon said persons to appear in such Court to serve as Jurors, at the time set for the trial of the first case in which a Jury is required; and such *venire* shall be served without delay by the Sheriff, Under Sheriff, or Deputy Sheriff, as hereinbefore provided for summoning Grand Jurors, and duly returned by the officer serving the same. The names of the persons so selected and summoned shall each be written by the Clerk on separate pieces of paper, as near alike as may be, and folded so as to conceal the name therein, and deposited in a box, from which the Jury shall be drawn. When by reason of challenge or otherwise, a sufficient number of persons duly drawn and summoned cannot be obtained for the trial of any cause, civil or criminal, the Court shall proceed as provided in this section to complete the panel.

SEC. 21. Such Jurors shall be returned by the Sheriff or his Deputy or Under Sheriff; or, if the Sheriff is interested in any cause to be tried by such Jury, by any disinterested person appointed therefor by the Court

SEC. 22. The persons so returned shall be such as are qualified and liable to be drawn as Jurors, according to the provisions of this act.

SEC. 23. No irregularity in any writ of *venire facias* or in the drawing, summoning, returning, or empanneling of Grand

or Petit Jurors, shall be sufficient to set aside a verdict, unless the party making the objection be injured by the irregularity, or unless the objection was made before returning the verdict.

SEC. 24. The Jury may in any case, at the request of either party, be taken to view the premises, or place in question, or any property, matter or thing relating to the controversy between the parties, when it shall appear to the Court that such view is necessary to a just decision; *Provided*, that the party making the motion for such viewing shall advance a sufficient sum to defray the expenses of the Jury and the officers who attend them in taking the view; which expenses shall afterwards be taxed like other legal costs if the party who advanced them shall prevail in the action.

SEC. 25. When by any neglect of any of the duties required in this act to be performed by any of the officers or persons herein mentioned, the Jurors to be returned shall not be duly drawn and summoned to attend the Court, every person guilty of such neglect shall pay a fine not exceeding twenty-five (25) dollars, to be imposed by the same Court, and paid into the Treasury of the County.

SEC. 26. If any Clerk of any District Court shall be guilty of any fraud, either by practicing on a Jury list box previously to drawing a Jury, or in drawing a Juror, or in placing in a Jury list box, the name of any Juror which had been lawfully drawn out, and drawing or substituting another in his stead, or in any other way in the drawing of Jurors, he shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding five hundred (500) dollars, to be paid into the Treasury of the County in which the offence is committed.

SEC. 27. If for any cause the whole number of any Grand Jury, or any part thereof, shall fail to be summoned according to the foregoing provisions of this Act, the Judge of the Court may direct the Clerk to issue a venire to the Sheriff, directing him forthwith to summon a sufficient number of Talesmen for such Grand Jury.

SEC. 28. The pay of Grand and Petit Jurors shall be three (3) dollars per day for each day of actual attendance at Court, and fifteen (15) cents per mile for each mile necessarily traveled in going to and returning from Court, which shall be paid out of the County Treasury, except as hereinafter provided. In all civil cases the party calling for the jury shall pay the *per diem* of such Jury for one day, to the Clerk, when the Jury is impaneled, and before the commencement of the trial; and in case the trial shall continue more than one day, the same

arty shall pay to the Clerk, at the opening of the Court on each succeeding day, the *per diem* of the Jury for that day; and if the party paying the *per diem* of the Jury shall have judgment in his favor, he shall recover the amount of his *per diem*, as costs, from the opposing party in the action.

SEC. 29. At the close of the trial of any such civil case, the Clerk shall pay to each Juror the amount he is entitled to, of the money so paid to the Clerk for the *per diem* of the Jury, and at the end of each term of a District Court the Clerk shall make out a certificate to each Juror entitled thereto, certifying the number of days such Juror has attended Court, and the number of days for which such Juror has received his *per diem* for service in civil cases, and the amount remaining due to him for *per diem* and mileage. Each Juror shall state on oath to the Clerk the number of miles travel for which he is entitled to pay under the provisions of this Act; *Provided*, That no Juror shall receive mileage for going to, or returning from Court more than once during the same term; *Provided*, *further*, That no person summoned as a Juror, and excused at his own request, shall receive any *per diem* or mileage. And the said Clerk shall be entitled to twenty-five (25) cents for each certificate so issued, to be paid out of the County Treasury.

SEC. 30. An Act entitled "An Act Concerning Jurors," approved January 12th, 1871, and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SEC. 31. This Act shall take effect and be in force from and after its approval by the Governor.

APPROVED, January 10, A. D. 1873.

AN ACT

To Protect Game in the Territory of Idaho.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. It shall not be lawful for any person or persons hereafter, within this Territory, to wilfully kill or destroy any quail or partridge, or destroy their eggs, prior to the first day of September, A. D. 1875, and after the first day of March, 1875, it shall not be lawful for any person or persons to kill or destroy any quail or partridge, or destroy their eggs, at any

time between the first day of March and the first day of September of each year.

SEC. 2. It shall not be lawful for any person or person within this Territory to trap, net, or carry away any quails or partridges after the passage of this Act; and every person or persons violating the provisions of this section shall be fined on conviction, in any sum not less than ten nor more than one hundred dollars, or by imprisonment not exceeding thirty days in the County Jail, or by both such fine and imprisonment, for every quail or partridge trapped, netted, or carried away.

SEC. 3. It shall not be lawful, hereafter, for any person or persons to wilfully kill or destroy, within the Counties of Ada and Boise, any species of wild duck, at any time between the first day of April and the first day of August, of each year.

SEC. 4. It shall not be lawful for any person or persons to wilfully kill or destroy any prairie chicken, grouse, or pin grouse, within the Counties of Ada and Boise, at any time between the fifteenth day of March and the first day of August, of each year.

SEC. 5. It shall not be lawful for any person or persons within the County of Ada, to take, pursue, kill or destroy any elk, deer, or antelope, between the first day of March and the first day of August of each year.

SEC. 6. Each and every person, offending against any of the provisions of this Act, or who shall within the times prescribed and prohibited therein, buy or sell, or offer for sale, any of the game above enumerated, or have any of the same in his or their possession, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished for each offence, by fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the County Jail not to exceed thirty days, or by both such fine and imprisonment.

SEC. 7. The fines imposed by this Act, shall be paid, one half to the informer, and one half to the County Treasurer which shall be set apart as a School Fund.

SEC. 8. It shall be the duty of the Sheriffs and the Deputies, the Constables and their Deputies, of said County and of the City Marshal of Boise City, whenever they or either of them become cognizant of any offence against any of the provisions of this Act, to forthwith give information of the same to the Courts having jurisdiction of the offence; and any such officer failing to perform such duty, shall on conviction thereof, before any Court of competent jurisdiction, be fined in the sum of one hundred dollars.

9. Justices of the Peace, and the Probate Courts in this Territory, shall have concurrent jurisdiction over and all offences against any or either of the provisions of Act—and all moneys collected under this Act shall be paid half to the party or parties informing to the proper authority of the commission of the offences enumerated herein, and the other half to the School Fund of the counties where the offence has been committed.

10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

11. This Act shall take effect from and after its passage.

APPROVED, January 10, A. D. 1873.

AN ACT

to amend an Act entitled, "An Act concerning Roads, Highways, Trails, and Public Thoroughfares.

enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That sections 2, 3, 6, 9, and 10, of an act entitled

"An Act concerning Roads, Highways, Trails, and Public Thoroughfares," approved January 30, 1864, be and the same are hereby amended to read as follows: Section 2.

It shall be lawful, whenever the public interests require it, for the Board of County Commissioners of each County to divide the respective Counties into a suitable number of districts, and to appoint a Supervisor of Roads for each district. Section 3. The County Clerk of each County shall notify all persons who have been appointed Road Supervisors, within ten days after such appointment has been made, informing them of such appointment, and describing the boundaries of their respective districts; each Road Supervisor shall give a bond in such sum

as the Board of Commissioners shall designate, with at least two sufficient sureties for the faithful performance of his duties, and accounting for all moneys that may come into his hands, and the justification of the sureties as required in other official bonds, and to be approved, either by the Board of Commissioners or County Auditor, and filed in the Recorder's office, which shall be endorsed the usual oath of office. Road Supervisors shall hold their office subject to the Board of Commissioners, who may remove them at any time. Section 6.

SEVENTH SESSION.

If, in the opinion of a majority of the Board of County Commissioners of any County, it is necessary, the Board shall at any regular meeting, and cause to be collected, a Road Tax from all able-bodied men in each district, between the age of twenty-one and fifty years, of not less than two, nor more than six dollars, the said tax to be collected by the Road Supervisor of their respective districts; and the Auditor of the County shall furnish each Road Supervisor with blank receipts for said Road Tax; and the Road Supervisor shall spend money collected by him in the construction or improvement of the highways and roads; and shall take receipts for all money expended by him, and settle with the Auditor quarterly, and make a full exhibit of the expenditures made by him. Commissioners shall, in lieu of said tax to be paid in money, designate the amount of work or days' labor that may be performed; *Provided*, There shall at least be one day's work of ten hours required, and not less than three days; and if a person liable for said tax will perform, or cause to be performed under the direction of the Road Supervisor, the days' labor required by the Commissioners, it shall be in full satisfaction of said tax. Section 9. If, after demand made by the Supervisor, either verbally or in writing, for the payment of Road Tax, a person liable to pay said Road Tax, refuse to pay, or neglects for three days, either to pay said tax in money, or to perform the days' work required, then the said person shall be considered delinquent, and the Supervisor shall proceed to sell upon and sell at public vendue, to the highest bidder, giving public notice as required by the law, on sales under execution, any property of such delinquent, or so much thereof as shall be necessary to satisfy such delinquent's Road Tax and costs of making such sale; and the Supervisor shall be entitled to the same costs as a Constable in making sales under execution; and for collecting each Road Tax and giving a receipt the Supervisor shall be entitled to a fee to be regulated by the Board of County Commissioners, which fee shall not be more than twenty-five cents, or more than fifty cents. Section 10. The Road Supervisor may hire persons to work the road, and be paid out of the moneys he collects, or may work himself thereon; *Provided*, the County Commissioners of each County shall fix the amount to be allowed for a full day's work, which shall not be more than five dollars per day, for each full day's work of ten hours, and *Provided further*, the Road Supervisor shall be allowed no pay except for services when actually employed himself in working upon the roads; and *Provided further*, that each Road Supervisor shall quarterly make a

and complete report of all his acts to the Board of Commissioners, the amount of money collected and paid out by him, to whom and for what paid, accompanied by receipts for the same; the number of days' work performed, the number of days he himself has been employed in working on the roads, what roads have been constructed and repaired, etc., which report shall be sworn to as true and correct; and at the same time he shall furnish a bill for his own individual work, and the Road Supervisor shall not use or pay himself for his own services out of the moneys collected by him until the Board of Commissioners shall have examined and approved of his accounts, and shall also examine and approve of his report; and the Road Supervisor shall be liable on his official bond for all amounts of his accounts and expenditures that the Board does not approve of; and if, after all amounts that shall be allowed and approved of by the Board, there shall be any money left in the Road Supervisor's hands, he shall pay the same to the County Treasurer, which shall be placed in a separate fund, to be called the Road Fund, which shall be subject to the Board of Commissioners, and be expended by them, for the benefit of the Roads, Bridges and Highways, as they may deem expedient. The Road Supervisor shall account to the Auditor for all Blanks, Road Tax Receipts, delivered to him, and upon his removal or resignation from office, shall deliver to the Auditor all unused receipts, and shall be liable for all receipts he cannot account for; *Provided further*, That if the Road Supervisor does not collect sufficient moneys to pay for such services, as shall be allowed and approved by the Board, the deficit shall be allowed by the Board as any other County charge, and a warrant for the same be drawn on the usual Fund, the amount per day to be fixed by the Commissioners; and *Provided further*, The Counties of Boise, Owyhee, Nez Perce and Idaho, are hereby exempted from the provisions of this Act.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, January 10, A. D. 1873.

AN ACT

Fixing the Salaries and Fees of Certain Officers of Boise County.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The Sheriff of Boise County shall receive a

salary of Two Thousand Dollars per annum, to be paid quarterly out of the County Treasury, for all services to be by him rendered or performed for said County. He shall also be allowed the sum of two dollars per day for each prisoner confined in the County Jail, as remuneration for the board, clothing and medical attendance of such prisoners. He shall also be allowed a Jailer, for whose services he shall receive the sum of five dollars per day, payable quarterly out of the County Treasury.

SEC. 2. The County Auditor shall receive, in addition to the fifty cents allowed him by law, for signing traders and other licenses, the sum of twelve hundred dollars per annum payable quarterly out of the County Treasury, for all services by him performed to and for said County, whether as Auditor Recorder or County Clerk; *Provided*, that for any service rendered the Territory, he may receive the amount paid by the Territory, for such service, for his own proper use, in full compensation for such service.

SEC. 3. The County Treasurer of said County shall receive a salary of eight hundred dollars per annum, payable quarterly out of the County Treasury, for all services to be rendered or performed by him for said County; *Provided*, that for any service rendered the Territory, he may retain the amount paid by the Territory for such services, for his own proper use, in full compensation for such services.

SEC. 4. The Assessor of Boise County shall receive twenty per cent of all Poll or per capita taxes collected, and ten per cent of all other taxes assessed and collected, for his services as Assessor and Tax Collector, and the time for assessing and collecting taxes in Boise County, shall be extended to the first day of October of each year.

SEC. 5. Each County Commissioner of said County, shall receive a salary of three hundred dollars per year, to be paid quarterly out of the County Treasury, and they shall receive no other compensation for their services.

SEC. 6. The County Superintendent of Public Schools, in said County, shall receive a salary of three hundred dollars per annum, to be paid quarterly out of the County Treasury, for all services required of him by law.

SEC. 7. All the above amounts shall be payable out of the Current Expense Fund of said County, except the salary of the County School Superintendent, which shall be paid out of the School Fund.

SEC. 8. The several amounts allowed under the provisions of this Act, shall be audited and allowed as other claims against

the County, by the Board of County Commissioners, at their regular meetings.

SEC. 9. An Act fixing the fees and salaries of certain officers of Boise County, approved January 10, 1871, and all other Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 10. This Act to take effect and be in force from and after its passage.

APPROVED, January 10, A. D. 1873.

AN ACT

To provide for the Survey, Platting, and Disposal of the Land in the City of Lewiston, Nez Perce County, Idaho Territory, pursuant to the United States Statutes made and provided.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. The Mayor of the City of Lewiston, Nez Perce County, Idaho Territory, who by authority of a patent issued by the United States government, is Trustee to execute the trust in behalf of the inhabitants of the said City of Lewiston, in relation to the land described in the said patent, and by virtue of the United States Statute, entitled: "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands," approved March 2d, 1867, is hereby authorized, directed and required under the provisions and limitations hereinafter specified and set forth, to make and deliver to the bona fide occupants of such portions of the said land described in said patent from the Government of the United States, who may be entitled thereto, good and sufficient deeds of conveyance in fee simple, according to their respective interests, and for that purpose he shall, within twenty days after the receipt by him, the said Mayor and Trustee of the said patent, from the general government, give notice thereof in a newspaper published in said City, or if there be none there, at the time, in one nearest the locality and of general circulation, and requiring all persons claiming land within the said designated tract of land, and described in said patent to present their respective claims therefor in writing, to said Mayor-Trustee, at his office in said City. The said Mayor-Trustee shall at the same time also cause to be made and filed in his office by a competent person, a plat of the said land

divided into blocks and lots to such an extent as may be deemed requisite by the said Mayor-Trustee, and into divisions of acres and parts of acres as may be deemed requisite by the said Mayor-Trustee, and at his discretion, the exterior lines of the remaining part of said land shall be run, marked, and platted on said plat; which plat shall be approved by said Mayor-Trustee, and his approval shall be endorsed thereon, with the date of the approval over the signature of said Mayor-Trustee, and the said Mayor-Trustee shall cause immediately thereafter, the said plat to be recorded in the records of Nez Perce County, Idaho Territory, in accordance with the law or laws governing the record of deeds of conveyance of real estate in said Idaho Territory.

SEC. 2. That the streets, lanes, alleys and other rights of way, which may be in common use at the time of the enforcement of this Act, within the said City, over the land described in the aforesaid patent, are hereby declared to be public highways, for the use and benefit of the inhabitants of said City in common, and that the survey and platting of the said land into blocks and lots, acres or parts of the same, shall conform thereto. That the survey and platting of the land described in the aforesaid patent, for said City of Lewiston, shall be so as to divide the blocks into lots, to be, whenever practicable, each fifty feet in width and one hundred feet in depth, and the fractional block or blocks, lot or lots, acre or acres, shall be so arranged and adjusted as to conform to the condition of the improvements and occupation at the time of the enforcement of this Act. That where streets, alleys, roads, or other rights of way have obtained, may have been reserved or claimed by the inhabitants in common of the said City, as streets, alleys, roads, or other rights of way, and may be occupied at the time of the enforcement of this Act by individuals, are hereby declared to be public highways for the purposes, use and benefit of the inhabitants of said City of Lewiston, in common.

SEC. 3. The occupants of the land included and described in said patent, may at any time within sixty days after the publication of said notice, and the filing of the said plat of survey, make their respective applications for title to such portions of the land described in the aforementioned patent as may be claimed by them, which applications shall state that such claimant or claimants are *bona-fide* occupants of the described portion of the land and the lot or lots, and fraction of lot or lots, block or blocks, and fraction of block or blocks,

acre or acres, or fraction of acre or acres, included in each claim by him, her or them, and said application shall state and specify the character and in what said occupancy consists, which shall be either actual residence thereon, enclosure, or some permanent improvement on some portion of the lot or lots, block or blocks, acre or acres, or the fractions of the same lying contiguous, claimed by he, she or them, and shall particularly designate, and describe such land, and the improvements thereon in said application, in accordance with the plat of the said land, as recorded in the County Recorder's office, as hereinbefore set forth; said applications shall be in writing and verified by the oath or affirmation of the applicant, or by some person on his, her or their behalf, in all cases, and verification shall be in substance, as follows, viz: Idaho Territory, Nez Perce County —s. s. On this the (date) day of (month) A. D., 187 , I (name) do solemnly (swear or affirm) that the statements in the foregoing application to the Mayor of the City of Lewiston, Idaho Territory, Trustee for the inhabitants of said City, for land described and included in a patent for the same to him, said Trustee, from the general government of the United States of America, are true of my own knowledge, except as to matters therein stated on information and belief, and as to those matters, (for we) believe them to be true. (Signature). Subscribed and sworn to before me, this the (date) day of (month) A. D., 187 () ; which oath or affirmation must be taken before and subscribed by an officer, who is authorized, by the laws of Idaho Territory, to administer the same; *Provided*, That no claim shall be allowed which shall not conform to the requirements of this Act, nor shall any claim be allowed for, or any conveyance made, of any portion of any street, alley, road, or other right of way that has heretofore been, or by this Act, is declared to be a public highway, or other land, which is included and described in the aforesaid patent, and dedicated or appropriated to public use, except for the benefit, the use, and the purpose of the inhabitants of the said City of Lewiston, in common.

SEC. 4. The said Mayor-Trustee shall receive and file, with the records of his office, each and all applications for the said land, and shall endorse, over his signature, the date received upon each and all, which applications shall be free to and subject to the inspection of any and all persons who desire to do so; and shall in each and every instance, when no adverse claim is filed, and on the payment of the money hereinafter provided for, after the expiration of sixty days from the date of the said filing of said application, execute a deed of convey-

ance in fee for the land claimed, and is undisputed, and deliver the said deed, when called for, to the proper party or parties, noting the time of delivery on said deed, over his signature; and in all cases where an adverse claim to any of said land shall be presented by any claimant, within the said sixty days after the same shall have been claimed as aforesaid, all proceedings for a deed of conveyance by said Mayor-Trustee shall be stayed, and he shall, within five days after the filing of the adverse claim, deliver to such prior claimant or claimants, personally, if he, she, or they be within the City, or otherwise, to his, her, or their agent, in writing, a notice of such adverse claim, and no conveyance shall be made by the said Mayor-Trustee, until the final determination of such conflicting claim or claims by a final judgment of a Court of competent jurisdiction, and it shall be the duty of such subsequent adverse claimants, to bring the same to such determination, and on failure to commence proceedings for that purpose, for a period of sixty days from the time filing of his, or her, or their adverse claim, he, she or they shall be deemed to have waived and abandoned such claim, and a deed of conveyance shall be executed and delivered to the prior claimant, the same as if no such adverse claim had been made; upon a final determination of such adverse claim or claims, the successful claimant or claimants shall file with the said Mayor-Trustee, a certified copy under the seal of the Court, the final judgment, in his, her or their favor, and the said Mayor-Trustee shall execute immediately thereafter, and deliver to the proper party or parties, a deed of conveyance, in accordance with said judgment.

SEC. 5. No tenant who holds any lands within the tract included and described in the aforesaid patent, from another, either for a term, or at will, shall be entitled to claim such land adversely to the person under whom he holds, nor shall he, she, or they be entitled to a deed of conveyance therefor.

SEC. 6. The numbering of the blocks and fraction of a block, and lots and a fraction of a lot, shall bear numbers in consecutive order, in accordance to the rule adopted and prescribed by the general government in relation to sections in townships, as near as is practicable; each fraction of block or lots to bear a whole number, and in that portion to be laid off by acres and parts of acres, as herein provided for, each such claim shall be numbered, commencing at the northeasterly angle of the said part of said survey, and in the same consecutive order as that of the blocks and the lots, and, also, the area of such claims shall be computed in acres and hundredths of acres and noted on the aforesaid plat of survey.

SEC. 7. That for the purpose of defraying the expenses of procuring the title to said land, town-site and incident thereto, and for the survey, platting and recording of the aforesaid plat, there shall be paid into the Treasury of the said City, by the claimant or claimants of the said land, on notice given by the said Mayor-Trustee, to the Treasurer of said City, that certain and specified claim has been awarded to said claimant or claimants, the following sum of lawful money of the United States, that is, for each lot in blocks of said land, ten dollars, and in proportion thereof for each fractional lot; and for each acre, six dollars, and in proportion thereof for each fractional acre, and the said Treasurer shall, over his signature, receipt, at the time of the receiving of said sum or sums of money, to the claimant or claimants for the amount so paid to him, designating in said receipt the purpose for which said money was paid to him, and giving the description of the said land. Upon the production of and filing with the said Mayor-Trustee of said Treasurer's receipt, the said Mayor-Trustee shall, on the payment of his fees as hereinafter provided for, execute and deliver a deed of conveyance, in fee for such land as may have been awarded to said claimant or claimants. All claims for the expense of procuring and incidental thereto, surveying, platting and recording, as herein provided for, shall be considered and allowed by the Common Council of the said City, and warrants on the Treasury of the said City shall be issued therefor, under and by virtue of ordinance of said City Council, approved by the Mayor of said City, and said warrants shall draw legal interest from the date of presentation to the said Treasurer of said City, who shall endorse at the time of presentation to him the fact over his signature upon said warrant or warrants, as the case may be, and make a proper note thereof in the records of his office.

SEC. 8. The said Mayor-Trustee shall be entitled to demand and receive, for his own use and benefit, the sum of twenty-five cents for filing each application or other paper required to be filed; the sum of one dollar for the giving each notice of an adverse claim required to be issued and served by him, which service shall be by copy of the original, which original shall be filed in the Records of his office; and three dollars for the making, acknowledging, and stamping of each deed; but no more than one deed shall be made to any applicant for any number of lots or parts thereof, or acres or parts thereof, unless required by such applicant.

SEC. 9. All blocks, lots, acres, or parts of the same, remaining unclaimed for a period of six months from the date of the

first publication of the notice hereinbefore provided for, shall be sold by the said Mayor-Trustee at public auction, to the highest bidder, for legal money, after his giving notice publicly for three weeks, either in a newspaper published in said city, or by five written notices of such sale, to be posted at different and most public places in said city; and the proceeds of said sale shall be by him paid into the said City Treasury, he to receive a receipt therefor from the Treasurer thereof, after deducting therefrom the actual expense incurred by said sale; and that portion of the said tract of land included and described in the aforesaid patent, and not surveyed into blocks and lots, and claims, of acres and parts of acres, and of which the exterior lines are to be run and platted, shall be subject to the control and disposal of the said Mayor-Trustee, under and by virtue of duly enacted Ordinance or Ordinances of the said Common Council of said City.

SEC. 10. All moneys derived from the private and public sale or disposal of said lands included in and described in the aforesaid patent from the United States, and under this Act, shall be paid into the Treasury of the said City of Lewiston, Nez Perce County, Idaho Territory, and shall be applied and appropriated, paid out and expended, by the Treasurer of said City, under and by virtue of Ordinance or Ordinances of said City, duly passed and approved, and in which preference shall be given to the Warrants authorized and issued by said City authorities on the Treasury of said City prior to the passage of this Act, and for the purpose of obtaining a perfect title under the laws of the United States, and in trust for the inhabitants of the aforesaid City of Lewiston, next subsequent thereto, such Appropriations and Warrants as may be authorized by the said Common Council upon the Fund to be set apart by the Treasurer of the said City, and denominated the Town Site Fund, which shall consist of all money received by the said Treasurer for the disposal of the land under and by authority of this Act, and the residue, if any, shall be expended under the Ordinances of the said Common Council of the City of Lewiston, aforesaid.

SEC. 11. This Act shall be in force and take effect from and immediately after the reception of the aforesaid patent from the General Government of the United States of America, by the said Mayor of the City of Lewiston, and Trustee for the inhabitants thereof, and its passage by the Legislature of Idaho Territory, and the approval by the Governor of the said Territory.

APPROVED, January 8, A. D. 1873.

AN ACT

Prescribing the manner of Levying and Assessing the Taxes in the Counties of Ada, Owyhee, Lemhi and Oneida.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The Boards of County Commissioners of the Counties of Ada, Owyhee, Lemhi and Oneida, shall at their regular meeting in January, annually assess the amount of Taxes that shall be levied for all purposes as now provided by law, and shall, prior to the first Monday in March each year, cause to be prepared suitable and well bound Books for the use of the Assessors of said Counties, in which they shall enter the Tax List or Assessment Roll, as now provided by law.

SEC. 2. The County Assessors of the said Counties of Ada, Owyhee, Lemhi and Oneida, are hereby authorized and required to perform the duties imposed upon them by law, as Assessors of Real Property, between the first Monday in March and the second Monday in July in each year.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, December 27, 1873.

AN ACT

To Provide for the Distribution of the Laws and Journals of the Territory of Idaho.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the Territorial Controller is hereby authorized to draw his Warrant for a sum not to exceed One Hundred Dollars in the aggregate, upon the Treasurer in favor of the Secretary of the Territory, for Postage Stamps to defray the expenses of transmitting the Laws and Journals of the Seventh Session of the Legislative Assembly of the Territory of Idaho, as directed in Section 2 of "An Act to provide for the Public Printing, and for the distribution of the Laws and Journals," passed January 12th, A. D. 1866.

SEC. 2. An Act entitled "An Act to provide for the Distribution of the Laws and Journals of the Territory of Idaho," approved January 13th, A. D. 1871, is hereby repealed.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 6, A. D. 1873.

AN ACT

Regulating the Salaries and Fees of certain Officers of Ada County.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. The Sheriff of Ada County shall receive a salary of Fifteen Hundred Dollars per annum, to be paid quarterly out of the County Treasury, for all services to be by him rendered or performed for said County. He shall also be allowed the sum of one dollar and twenty-five cents per day for each prisoner confined in the County Jail, as remuneration for the board, clothing, and medical attendance of such prisoners. He shall also be allowed a Jailor, for whose services he shall receive the sum of three dollars per day for each day a prisoner or prisoners is confined in the County Jail; and he shall receive no other compensation for services rendered Ada County.

SEC. 2. The County Auditor shall receive the sum of one thousand dollars per annum, payable quarterly out of the County Treasury, for all services to be by him rendered to and for said County of Ada, as Auditor and Clerk of the Board of County Commissioners; *Provided*, That for any services rendered the Territory he shall receive such fees as may be allowed by law.

SEC. 3. Each County Commissioner of Ada County shall receive Two Hundred and Fifty Dollars per annum, to be paid quarterly out of the County Treasury; and they shall not receive any other compensation for their services.

SEC. 4. The County Treasurer of said County shall receive the sum of Seven Hundred Dollars per annum, payable quarterly out of the County Treasury, for all services to be rendered or performed by him for said County; *Provided*, That for any services rendered the Territory, he shall receive such fees as may be allowed by law.

SEC. 5. The Assessor shall be ex-officio Tax Collector of Ada County, and is hereby authorized and empowered to re-

ceive and collect all per capita or Poll Taxes, and all Taxes to be collected on Real and Personal Property, as provided by law; and he shall have the same power to enforce the payment of Taxes that is provided by law for the collection of Taxes by Tax Collectors of this Territory. And his time of collecting shall be extended until the second Monday in November in each year, at which time the list of delinquents remaining in his hands shall be turned over to the Sheriff or other officer, as may be authorized by law to receive the same. The Assessor shall be allowed as compensation for his services as Tax Collector, ten per centum of all Poll Taxes collected, and seven per centum of all other Taxes by him collected.

SEC. 6. The Board of County Commissioners of Ada County shall require of the Assessor an additional bond as Tax Collector, in any sum not to exceed Fifteen Thousand Dollars, nor less than Five Thousand Dollars, for the faithful performance of his duties as Tax Collector; and it is hereby made the duty of the Tax Collector to pay over to the County Treasurer, at least once in four weeks, all Tax moneys in his possession, taking the Treasurer's receipt for the same.

SEC. 7. All laws or parts of laws, of this Territory, providing for the collection of Taxes, now in force, shall and the same are hereby made applicable to the said Assessor.

SEC. 8. Constables may lawfully charge, demand and receive, for each mile necessarily traveled, in going only to be computed, in performing any of the duties imposed upon them by law, the sum of twenty-five cents, and for all other services performed by them as required by law, the fees as provided in section 5 of an act entitled an act to amend an act entitled, "An Act relating to County Officers, etc.," approved February 4th, 1864; approved January 13th, A. D. 1871; *Provided*, That Constables may serve any process in either criminal or civil cases, anywhere within said County of Ada.

SEC. 9. The several amounts allowed under the provisions of this Act, shall be allowed and audited as other claims against the County are allowed and audited.

SEC. 10. No allowance for Office Rent, or for any Incidental Expenses, shall be made or allowed to any officer named in this act, except by order of the Board of County Commissioners; and in no case shall any such allowance be made unless the County buildings are insufficient for the accommodations necessary.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 12. This Act to take effect and be in force from and after the first Monday in January, A. D. 1873.

APPROVED, December 31, A. D. 1872.

AN ACT

To amend An Act entitled An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in the Territory of Idaho, approved December 15th, 1864.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION. 1. Section one hundred and twenty of said Act as amended January 12th, 1866, shall read as follows: Section 120. The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as hereinafter provided in the following cases: First—In an action upon a contract express or implied for the direct payment of money, which contract is not secured by a mortgage, lien or pledge upon real or personal property, or if so secured, that such security has been rendered nugatory by the act of the defendant. Second—In an action upon a contract, express or implied, against a defendant not residing in this Territory.

SEC. 2. Section one hundred and twenty one of said Act, as amended January 12, 1866, shall read as follows: Section 121. The Clerk of the Court shall issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, which shall be filed, setting forth, first, that the defendant is indebted to the plaintiff; specifying the amount of such indebtedness over and above all legal set-offs and counter claims upon a contract express or implied, for the direct payment of money, and that the payment of the same has not been secured by any mortgage, lien or pledge upon real or personal property; or if so secured, that such security has been rendered nugatory by the act of the defendant. Or second, that the defendant is indebted to the plaintiff, (specifying the amount of such indebtedness as near as may be, over and above all legal set-offs and counter claims), and that the defendant is a non-resident of the Territory; and third, that the sum for which the attachment is asked is an actual bona-fide existing debt, due

and owing from the defendant to the plaintiff, and that the attachment is not sought, and the action is not prosecuted to hinder, delay or defraud any creditor of the defendant.

SEC. 3. This Act to be in force from and after its passage.

APPROVED, December 28, A. D., 1873.

AN ACT

Relating to Fences and Tresspasses in the Counties of Nez Perce, Oneida and Idaho.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION. 1. All farming lands used for raising grain, grass, or for other agricultural purposes, in the Counties of Nez Perce, Oneida and Idaho, in said Territory, to enable the owner, or possessor thereof, to maintain an action for damages to the same, shall be enclosed with a good and lawful fence, sufficient to secure the crops therein from the encroachments of all kinds of domestic animals.

SEC. 2. A fence consisting of double and single posts, firmly set in the ground, and not more than twelve feet apart, with six good rails, poles or boards laid across from post to post, and properly and firmly secured, the said fence to be at least four and one half feet high, and the span between the ground and the first rail, pole or board shall not be more than six inches, and any space between the first and fourth rail, pole or board, to be equally divided and not of greater width than six inches; or any worm-rail fence, composed of six good substantial rails together with stakes and rider added thereto, shall be deemed a lawful fence. *Provided*, that all fences in good repair, consisting of rails, poles, boards, wire, stone or other suitable materials, and all fences of any description whatsoever, and all brooks, sloughs, ponds, hedges or other obstructions, which shall in the judgment of two or more fence viewers, be equal to the fence herein described, shall be deemed a lawful fence.

SEC. 3. When two or more persons construct fences in conjunction, and enclose fields to be used in joint occupancy, for farming or other agricultural purposes, any person so enclosing, as joint occupant, who shall refuse or neglect to keep in lawful repair, the portion of said enclosing fence, owned or erected by him, shall pay all damages sustained by any

other person having an interest in said field, in consequence of such neglect or refusal.

SEC. 4. Any person or persons who shall throw down fences or open bars or gates into any enclosure, other than his or their own, or into any field owned by joint occupants, and leave the same open, thereby exposing the crops or property of others, shall be deemed guilty of a trespass, and on conviction thereof, before any Court of competent jurisdiction, shall pay a fine not less than five dollars nor exceeding fifty dollars, and be liable to the party injured for all damages thereby sustained, to be recovered before any Court of competent jurisdiction.

SEC. 5. Any one Justice of the Peace, and any one Constable in a precinct shall or may be fence viewers, whose duty as such fence viewers, shall be to examine and decide upon the legality of all fences in their respective precincts, when called upon. And for such services rendered they shall receive a fee of three dollars per day, to be paid by the person or persons requiring their services.

SEC. 6. All Act and parts of Acts in conflict with this Act be and the same are hereby repealed.

SEC. 7. This Act shall apply to and be in force only in the Counties of Nez Perce, Oneida and Idaho.

SEC. 8. This Act to take effect and be in force from and after its passage.

APPROVED, January 7th A. D., 1873.

AN ACT

To give the Boards of County Commissioners of the various Counties of this Territory power to grant certain County Officers Leave of Absence from their respective Counties and from the Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The Board of County Commissioners of any County in this Territory may grant to any County officer of their respective Counties, except the Probate Judge and a member of the Board of County Commissioners of such county, leave of absence from their County and the Territory for a period not exceeding ninety days, during which time the absence of such officer so obtaining leave from the County and Territory, shall not work a forfeiture of the office to which he may have

been elected or appointed ; *Provided*, That before the granting of such officers leave of absence he shall have appointed a Deputy to perform the duties of his office as by statute in such cases made and provided ; and shall have presented to and filed with the Board of County Commissioners of his County the written consent of each and every person liable on the official bond of such officer that such leave of absence may be granted.

SEC. 2. This Act shall take effect and be in force from and after its approval by the Governor.

APPROVED, January 2, A. D. 1873.

AN ACT

To amend An Act entitled An Act to incorporate the Oneida Wagon Road Company:

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SEC. 1. That Section (6) of the Act entitled "An Act to incorporate the Oneida Wagon Road Company," approved January 5th, A. D., 1866, be and the same is hereby amended to read as follows: Section 6. Said corporation, its successors or assigns, shall be allowed and entitled to receive and collect the following rates of toll on said road. For each wagon, with one span of horses and mules, or yoke of oxen, 50cts; for each additional span or yoke of oxen 50cts; for each saddle animal, 25cts; for each pack animal 25cts; for each loose animal 10cts; for each sheep or hog 5cts.

SEC. 2. That Section 7 of said Act be amended to read as follows: Section 7. The Commissioners of Oneida County shall not reduce, for the period of six years, the rates of toll lower than the rates set forth in Section 6, as amended by this Act.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act, including An Act "entitled" An Act "entitled" An Act concerning the bona fide settlers of Oneida County, approved January 11, A. D., 1871, be and the same are hereby repealed.

SEC. 4. This Act to take effect and be in force from and after its passage.

APPROVED, January 7th, A. D., 1873.

AN ACT

To provide for the Preservation of Files of the following Newspapers, published in the Territory of Idaho.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. The Secretary of the Territory of Idaho is hereby authorized and required to subscribe for one copy each of the following newspapers, published in this Territory, to-wit: The Idaho World, the Lewiston Signal, the Owyhee Avalanche, and the Idaho Statesman.

SEC. 2. It shall be the duty of the Secretary to preserve files of each of said papers, and he shall half annually cause the same to be bound and filed in the Territorial Library, where they shall be kept subject to inspection by the public; but the Secretary or Territorial Librarian shall at no time allow any person or persons to remove said volumes from the office where said archives are kept.

SEC. 3. The Territorial Controller is hereby required to draw his Warrant on the Territorial Treasurer in favor of the Secretary of the Territory for the sum of Fifty Dollars each year, which shall be a full compensation for the papers so subscribed for, including the expenses of binding the same.

SEC. 4. All acts and parts of acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 5. This law shall be in force from and after its passage.

APPROVED, January 3, A. D. 1873.

AN ACT

To amend an act entitled "An Act to provide for the Purchase of a Territorial Library, and for the keeping of the same," Approved January 13th, A. D. 1871.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That section five of said Act be amended to read as follows: Section 5. The Secretary shall keep said Library Room open on all proper days, from ten o'clock A. M. to three o'clock P. M., for the accommodation of the citizens of Idaho Territory; *Provided*, That the whole cost and expense to the Territory shall not exceed the sum of Two Hundred and

Fifty Dollars per annum ; and the Controller is hereby authorized to draw his warrant for said amount, in monthly payments, and the Treasurer is hereby required to pay the same out of any money in the Treasury not otherwise appropriated. And *Provided further*, That no allowance shall be made for fuel, lights or stationery.

SEC. 2. This Act shall be in force from and after its approval by the Governor.

APPROVED, January 4, A. D. 1873.

AN ACT

To Define the Boundary Line Between the Counties of Idaho and Ada, in Idaho Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION. 1. The boundary line between the Counties of Idaho and Ada shall be as follows : commencing on Snake River at the mouth of the Willowa, thence Eastward to the summit of the dividing ridge between Snake River and Salmon River, thence Southeastwardly along the summit of said ridge to the extreme source of Goose Creek, so as to include in Ada County all the waters flowing into the Weiser River, thence Southwardly along the ridge between the waters flowing into the Weiser River, and those flowing into the Payette River, to the Southern boundary line of Idaho County.

SEC. 2. The County of Ada shall within one year after the passage of this Act, pay to the Treasurer of the County of Idaho, the sum of five hundred dollars, which shall be applied to the payment of the outstanding indebtedness of Idaho County. And the said County of Idaho shall relinquish all claim against the property holders of said district for the taxes assessed against their property, for the years 1871 and 1872. And it shall not be lawful to collect the same or to enforce any judgments that have been rendered thereon. The taxes assessed by the Assessor of Ada County upon the real and personal property within the district of country known as the Upper Weiser Valley, and included within the tract of country hereinbefore ceded, for the year 1871 and 1872, are hereby validated and legalized, and the proper collecting officer of Ada County, after the passage of this Act, shall collect and enforce the same whether the same shall exist as delinquent taxes or in judgments,

in the same manner as if the said district of country had been indisputably within Ada County.

SEC. 3. This Act shall take effect and be in force from and after its passage.

APPROVED, January 10, A. D., 1873.

AN ACT

Fixing the Salary of the Territorial Controller.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. The Territorial Controller shall receive a salary of Fifteen Hundred Dollars per annum, as Controller and Superintendent of Public Instruction, to be audited by the Territorial Treasurer, and paid by him in quarterly installments out of any moneys in the Treasury not otherwise appropriated ; and he shall receive no other compensation whatever, except the cost of necessary Stationery, Fuel, Fixtures, Lights, Rent of Office, and everything connected therewith for the carrying on of said Controller and School Superintendent's business for the Territory of Idaho ; and under no claim or pretext whatever shall the Territorial Controller receive any other moneys for said Stationery, etc., as above enumerated, for the use of said office ; *Provided*, The said sum therefor shall not exceed Two Hundred and Fifty Dollars.

SEC. 2. This Act to take effect and be in force from and after its passage and approval by the Governor.

APPROVED, January 6, A. D. 1873.

AN ACT

Concerning Roads and Highways in Boise County.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows.:

SECTION. 1. The Board of County Commissioners of Boise County, are hereby authorized and required to divide said County into a number of Road Districts, not less than seven, nor more than twelve, for the purpose of the improvement and

keeping in repair the public Roads and Highways of said County, as hereinafter provided.

SEC. 2. The Board of County Commissioners of said County shall, at least four weeks prior to the time when this Act shall take effect and be in force, and after the division provided for in Section 1 of this Act shall have been made, cause notice to be published in some newspaper published in said County, for at least three weeks, for sealed proposals to be received by said Board, for keeping in repair and improving the Public Roads and Highways in said County for the respective districts; and each proposal or bid so submitted to the Board shall be accompanied with a bond conditioned for the faithful performance and duties of the contract, which may be made and entered into by and between the person making the proposal or bid, and the Board of Commissioners, in a sum not less than double the amount bid and stated in said proposal, for the improvement and keeping in repair of the Roads and Highways within the district proposed, the said bond to be secured by two or more sureties, who shall justify in the same form and manner as is required on bonds of County officers.

SEC. 3. At the time to be stated in the notice, the Board of Commissioners shall open and examine the proposals or bids, together with the bonds therewith, and accord to the lowest bidder the contract for the respective district; *Provided*, If two or more are for equal amounts, the Board shall have the discretion to choose between them.

SEC. 4. Any person or persons contracting as provided in this Act, shall cause all Roads and Highways within their respective districts to be kept clear of obstruction and in good repair; causing banks to be graded, bridges and causways to be made, when the same may be necessary to keep the same in good repair, and rebuild them when destroyed; and they shall have the same right and privilege to take and use the material for such purpose as is allowed to Supervisors by the Act of January 30th, 1864, and for any neglect in the performance of the duties, or infraction of the contract made and required by this Act, the party or parties so contracting shall be held responsible on said bond, the same as County officers in said County, before any Court of competent jurisdiction.

SEC. 5. There shall be levied and collected on all able bodied men in each district, a Road Tax of not more than three dollars, the same to be collected by the Tax Collector of said County, in the same manner as other per capita taxes are levied and collected, and under the same process for the enforcement of the payment thereof.

SEC. 6. The Tax Collector collecting such Road Tax, shall pay into the County Treasury monthly, the amount collected, retaining ten per cent thereof in full compensation for his services, and said moneys shall constitute a Road Fund for the improvement and repair of Public Roads and Highways in said County.

SEC. 7. The Auditor and Recorder of said County shall prepare blank receipts for Road Taxes, and after numbering and signing the same, forward a number equal to the probable number of inhabitants in said County liable to pay Road Tax, to the Chairman of the Board of County Commissioners of said County, who shall sign them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose; said receipts upon being so signed shall be by the said Chairman of the Board of County Commissioners, placed in the hands of the Auditor and Recorder, and by him delivered to the Tax Collector, taking his receipt therefor.

SEC. 8. The several amounts allowed to the contractors in the several and respective districts of said County, and under the provisions of this Act, shall be audited and allowed as other claims against the County, by the Board of County Commissioners at their regular meetings, and shall be paid quarterly.

SEC. 9. All acts or parts of acts conflicting with the provisions of this Bill are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after the first day of January, A. D., 1874, and its approval by the Governor.

APPROVED, January 10th, A. D., 1873.

AN ACT

To Provide for the Compilation of the Laws, General and Special, of the Territory of Idaho, and for the Indexing, Publication and Distribution of the same.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION. 1. The Secretary of Idaho Territory is hereby authorized to proceed at once [to compile the General and Special Laws of the Territory of Idaho, from the First Session to and including the Laws of the Seventh Session of the Legislative Assembly of this Territory, and to prepare and index

the same before the first day of October, A. D., 1873, and have an edition of three hundred volumes printed and distributed for the use of the Territory of Idaho; *Provided*, That the Congress of the United States shall make an appropriation to pay the expenses of the publication of the same.

SEC. 2. When the same shall have been published in book form, the Secretary as aforesaid, shall furnish to each of the Supreme Court Judges one copy, and to each of the Clerks of the District Courts of this Territory, one copy, and to each of the Probate Courts, one copy, and to each member of the Legislature of the Seventh Session, one copy, and to the Counties of Ada, Boise, Owyhee and Oneida, ten copies each, for the use of the officers of said Counties, and seven copies to each of the other Counties in this Territory, to be sent to the County Commissioners of the respective Counties, for distribution to the persons entitled to the same, and the remaining portion of said volumes to be retained in the Territorial Library, to supply such persons as shall be entitled to the same by law; *Provided*, That all claims for compensation for doing said work, shall be submitted to the Legislative Assembly of Idaho, at its next Session, to wit: the Legislative Assembly of 1874-'5.

SEC. 3. When the said compiled edition shall have been completed, the said Secretary shall certify and duly authenticate the same with the seal of the Territory of Idaho, as a true and correct copy of all the Laws, General and Special, in force at the date of the publication of the same.

SEC. 4. This Act to be in force from and after its approval by the Governor.

APPROVED, January 10, A. D., 1873.

AN ACT

Regulating the Salaries and Fees of Certain Officers, in the County of Nez Perce.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION. 1. The County Auditor of said County shall receive the sum of six hundred dollars per annum, payable quarterly out of the County Treasury, for all services to be by him rendered to and for said County of Nez Perce. *Provided*, that for any services rendered the Territory, he may receive the amount paid for such services for his own proper use and benefit, in full compensation for such services.

SEC. 2. Each County Commissioner of Nez Perce County shall receive the sum of five dollars per day for his services, and the further sum of forty cents per mile, traveling fees, from his place of residence to the County Seat, to be computed one way only, payable out of the County Treasury.

SEC. 3. The County Treasurer of said County shall receive a salary of five hundred dollars per annum, payable quarterly out of the County Treasury, for all services to be rendered or performed by him for said County, to be paid as other demands against the County are paid. *Provided*, that for any services rendered the Territory, he may demand and receive the amount paid by the Territory for such services, for his own proper use and benefit, in full compensation for such services.

SEC. 4. The County Assessor of said County shall receive one and one half mills on each dollar of property assessed by him and approved by the Board of Equalization of said County, payable out of the County Treasury per annum, and shall receive no per diem or mileage for assessing, but shall be allowed the fees provided by law for collecting per capita taxes, and seven per cent for collecting property taxes, with the exception of school tax.

SEC. 5. The Superintendent of Common Schools of Nez Perce County shall receive a salary of two hundred dollars per annum, payable quarterly out of the County Treasury.

SEC. 6. The Probate Judge of said County shall receive a salary not exceeding fifteen hundred dollars per annum, to be paid quarterly, after the deduction hereinafter provided, as follows: It shall be the duty of the Probate Judge, both as Judge and also as ex-officio Clerk of the Probate Court, to keep an account of all fees received by him from all and every source, and at each regular meeting of the Board of County Commissioners, make to them a full report thereof, verified by his oath, whereupon they shall deduct from said quarter's salary the amount set out in said verified report and also any excess that said Probate Judge may have received in fees over the amount of a quarter's salary, as provided in this Act, for any previous quarter during his term of office which had not been previously deducted, and thereupon the County Auditor shall draw his warrant on the County Treasurer for the balance of said quarter's salary, when so adjusted.

SEC. 7. The several salaries provided by this Act shall be allowed and audited, and paid, as other claims against the County are audited, allowed and paid, except as herein provided regarding the salary of the Probate Judge.

SEC. 8. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 9. This Act to take effect, and be in force from and after its passage.

APPROVED, January 10, A. D., 1873.

AN ACT

To Provide for the Better Observance of the Sabbath Day.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION. 1. No Merchant, Shopkeeper or other person, except Apothecaries and Druggists, shall keep open Store or Shop, or dispose of any Wares or Merchandise, Goods or Chattels, at any place, on the first day of the week, commonly called Sunday, or sell or barter the same, and every person so offending, shall on conviction, be fined in any sum not exceeding twenty-five nor less than ten dollars, for such offence.

SEC. 2. If any person shall show forth, exhibit, act, represent or perform, or cause to be shown, acted, represented or performed, any plays, farces, interludes or farces of any kind, or any games, tricks, jugglery, horse racing or cock fighting, or be engaged in dealing or conducting any game of chance, or any such like show, exhibition or vocation whatsoever, on the first day of the week, commonly known as Sunday, every person so offending shall be fined in any sum not exceeding fifty nor less than twenty dollars, for every such offence.

SEC. 3. No person shall keep open any house or room in which intoxicating liquors, ale or lager beer are kept for sale at retail, on the first day of the week, commonly known as Sunday, or give or sell or otherwise dispose of intoxicating liquors, ale or lager beer on that day; any person or persons violating this Section shall be fined in any sum not exceeding fifty nor less than fifteen dollars, for every and each offence so committed.

SEC. 4. Offences against the provisions of this Act shall be cognizable before any Justice of the Peace of the County where they may occur; and any offender or offenders on conviction, neglecting or refusing to pay such fine as may be imposed by the Court, together with the costs of suit, upon trial by said Court or Jury, shall be imprisoned in the County Jail for a

period of one day for ever two dollars of the amount of such fine and costs.

SEC. 5. All fines imposed and collected under the provisions of this Act, shall be paid into the County Treasury, and appropriated to the use and benefit of the Common Schools of the County where such offences may occur. *Provided*, That the provisions of this Act shall apply to Ada County only.

SEC. 6. This Act shall take effect and be in force from and after its passage and approval by the Governor.

APPROVED, January 8, A. D. 1873.

AN ACT

Supplementary to An Act Entitled, "An Act to Provide a Uniform System of Territorial and County Revenue and for the Assessing and Collecting the same.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION. 1 That in order to extend the time for the Assessing and Collecting Taxes on the County of Alturas, the dates in Section 11, 19, 20, 21, 22, 23, 31, 32, 34, 37, 58, 62, 70 and 112 of An Act entitled "An Act to provide a uniform system of Territorial and County Revenue, and for the Assessing and Collecting the same, approved January 15th, 1869, be and the same are hereby changed and amended, so far as the County of Alturas is concerned, as follows: Section 11. The dates, First Monday in April and First Monday in July, to be First Monday in May and First Monday in August. Section 19. The date, First Monday in July, to be First Monday in August, Section 20. The dates, First Monday in July and First Monday in November, to be First Monday in August and First Monday in December. Section 21. The dates, First Monday in April and First Monday of July, to be First Monday in May and First Monday in August. Section 22. The dates, Second Monday in July, Fourth Monday in July, Fourth Monday in August, to be Second Monday in August, Fourth Monday in August, Fourth Monday in September. Section 23. The dates, First Monday in August and First Monday in November, to be First Monday in September and First Monday in December. Section 31. The dates, the Fourth Monday in August and First Monday in September, to be Fourth Monday in September and First Monday in October. Section 32. The

date, First Monday in September, to be First Monday in October. Section 34. The date, First Monday in September, to be First Monday in October. Section 37. The date, First Monday in April, to be First Monday in May. Section 58. The dates, First Monday in April and First Monday in July, to be First Monday in May and First Monday in August. Section 62. The dates, First Monday in April and First Monday in July, to be First Monday in May and First Monday in August. Section 70. The date, First Monday in July, to be First Monday in August. Section 112. The date, First Monday in July, to be First Monday in August.

SEC. 2. That this Act is applicable only to the County of Alturas, and that this Act take effect and be in force from and after its passage.

APPROVED, January 10th, A. D., 1873.

AN ACT

Defining the Duties and Liabilities of Sheriffs, in Regard to
Miscellaneous Licences.

*Be it enacted by the Legislative Assembly of the Territory of
Idaho, as follows :*

SECTION. 1. That it shall be the duty of the Sheriff of each organized County in this Territory, on the First Monday in every month, to make out and return to the County Auditor of his County, verified by his oath, a list of every person or company, within his County required by law to take out any Miscellaneous License, of whatever name or grade, stating therein when the last License taken out by such person or company commenced to run and when the same will terminate, and in case the Sheriff shall allow any person or company transacting any business, or following any occupation, for which the taking out of any Miscellaneous License whatever is required, within his County, to so transact such business or follow such occupation, without first having taken out the license required by law, the said Sheriff shall, after the termination of thirty days from the time such license should have been taken out, become liable upon his official bond for the amount of such license, to be recovered in the name of the Territory before any Court of competent jurisdiction, unless within said thirty days from the time said license should have been so taken out, the Sheriff shall

have inaugurated legal proceedings for the enforcement of the collection of such license.

SEC. 2. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 6th, A. D., 1873.

AN ACT

To repeal An Act entitled "An Act to Provide means for Paying the Warrants Drawn on the Forty-Five Per Cent Fund of Idaho County."

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SEC. 1. That An Act entitled "An Act to provide means for paying the Warrants drawn on the Forty-Five per cent Fund of Idaho County," approved January 10th, A. D., 1871, be and the same is hereby repealed.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, December 13th, A. D., 1872.

AN ACT

To provide for the Annual Transfer of the Moneys in the Hospital Funds of Alturas and Shoshone Counties, to other Funds of their respective Counties.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That on the first Monday in April, in each year, all monéys remaining in the Hospital Funds of Alturas and Shoshone Counties, after all the outstanding warrants drawn on the said Funds in each of said Counties have been fully provided for, shall be transferred as follows, to-wit: In Alturas County, to the Current Expense and Redemption Fund. In Shoshone County, to the General Fund. And shall

be applied to the payments of outstanding warrants drawn on said Funds.

SEC. 2. This Act to take effect and be in force from and after its passage and approval.

APPROVED, January 8th, A. D., 1873.

AN ACT

Entitled An Act in relation to the Fees of Clerks of the District Courts of Idaho Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That the Clerks of the District Courts of Idaho Territory shall be entitled to receive from each applicant for Final Papers of Naturalization, the sum of Five Dollars for such papers. Said sum shall include all services of said Clerks in swearing witnesses, making minutes, recording, certifying, and issuing such papers under seal; *Provided*, That all Fees paid Clerks of the District Courts in Idaho Territory, in all cases, be paid in the lawful money of the United States; *Provided further*, The Fees of all Territorial, County and Precinct Officers, be made payable in the legal money of the United States.

SEC. 3. This Act shall take effect and be in force from and after its approval.

APPROVED, January 6, A. D. 1873.

AN ACT

To amend "An Act entitled An Act to provide an Uniform System of Territorial and County Revenue, and for the Assessing and Collecting the same.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That Section one hundred and nine (109) of an act entitled "An Act to provide a Uniform System of Territorial and County Revenue, and for the Assessing and Collecting the same," Approved January 15th, A. D. 1869, be and

the same is hereby amended by adding thereto the following : And *Provided further*, That nothing in this Act shall be so construed as to authorise any Assessor to levy or collect any tax upon any team, wagon, pack-train, or any of the animals or property belonging thereto, or connected therewith, owned without this Territory, which may be temporarily within this Territory for the purpose of carrying or delivering goods, merchandise, or any other freight whatsoever, the owner or owners of which said property shall exhibit to the Assessor a receipt for taxes paid in any other County, State or Territory, within the year in which said assessment and collection is sought to be levied and collected ; or, who shall make to the said Assessor an affidavit or affirmation that he is a non-resident of the Territory, and that he does not make the said affidavit for the purpose of gain, profit or evasion of the payment of his taxes for the current year. And in every such case the Assessor is hereby authorised to administer such oath ; *Provided*, That if no place of residence outside of this Territory be stated in such affidavit, or such receipt shown, such persons shall be liable to pay taxes within this Territory.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 6, A. D. 1873.

AN ACT

To amend an Act entitled "An Act Relating to County Officers, etc."

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That Section 185 of an act entitled "An Act relating to County Officers, etc.," approved February 4, 1864, be and the same is hereby amended to read as follows : Section 185. For attending in any Civil Suit or Proceeding before any Court of Record, Referee, Commissioners, or Justice of the Peace, for each day, three dollars ; and for traveling to the place of trial, for each mile twenty-five cents. No person shall be obliged to testify in a civil action, unless his fees for attending have been tendered him or her, or unless he shall not have demanded the same ; and no person shall be obliged to attend in a civil action or proceeding as a witness without the

County in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 10, A. D. 1873.

AN ACT

To provide for the Payment of the Balance of the Salary of the District Attorney of District No. 3, for the Term of said Office ending January 1st, A. D. 1871, to the person who was Elected and Performed the Duties of said Office during said Term.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. The Territorial Controller is hereby authorized and required to draw a Warrant on the Territorial Treasurer in favor of Albert Heed, for the sum of Nine Hundred and Fifty-two Dollars, the balance due him for his Salary as District Attorney of District No. 3, for the term of office for which he was elected, and the duties of which he has performed, ending January 1st, A. D. 1871.

SEC. 2. The Territorial Treasurer is hereby authorised to pay said Warrant, when presented, out of any moneys not otherwise appropriated.

SEC. 3. This Act to take effect and be in force from and after its passage and approval by the Governor.

APPROVED, January 6, A. D. 1873.

AN ACT

To Dissolve the Bonds of Matrimony between Angeline Parker and Henry Parker, her husband.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That the Bonds of Matrimony now and heretofore existing between Angeline Parker and Henry Parker, her

husband, be and the same are hereby dissolved, and said marriage declared null and void.

SEC. 2. This Act to take effect and be in force from and after its passage.

AN ACT

Granting Leave of Absence to W. P. Calahan, County Treasurer of Alturas County, in the Territory of Idaho.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That W. P. Calahan, Treasurer of Alturas County, in the Territory of Idaho, be, and he is hereby granted, Leave of Absence from the County and Territory aforesaid, for a period of four months during the term of his Office, the time of such absence to be selected by himself within such term of office; and such absence shall not create a vacancy in said office.

SEC. 2. That this Act shall take effect and be in force from and after the day of its passage.

APPROVED, December 19, A. D., 1872.

AN ACT

To Repeal certain parts of the 2d Section, and to Amend the 3d Section of an act entitled "An Act to provide for the Keeping and Accommodation of Territorial Prisoners," approved January 13th, A. D. 1871.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the proviso contained in the second section of the above entitled act be and the same is hereby repealed.

SEC. 2. That the third section of the above entitled act be amended so as to read as follows: It shall be the duty of the Governor, at the close of each month, to certify to the Territorial Controller the sum due the United States, in currency, for the keeping, boarding, clothing, washing and medical at-

tendance of the Territorial prisoners for such month, according to contract, and the Controller, upon said certificate and order of the Governor, shall draw a Warrant upon the Prison Fund, in favor of the United States Marshal for the District of Idaho, for a sum sufficient to pay said contract price in currency, said Warrant in each case to be regulated by the current market value of Prison Fund Warrants; *Provided*, That in no case shall the value of such Warrants be rated at a sum less than seventy cents to the dollar.

SEC. 3. This Act to be in force and effect from and after its passage and approval.

APPROVED, January 8, A. D. 1873.

AN ACT

To authorize the County Commissioners of Ada County to Repair a certain Bridge in said County.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The County Commissioners of Ada County, Idaho Territory, are hereby authorized, if they think it necessary, to have repaired the Bridge on Weiser River, on the County and Territorial Road, leading from Boise City to Farewell Bend, on Snake River, in said County; and for said purpose the said County Commissioners, at their session in January, A. D. 1873, may appoint a suitable person to Superintend the Repairing of said Bridge. And the Board of County Commissioners shall have full power to make an order, or orders, for the purpose of having said Bridge repaired under the direction of said Superintendent, in such manner as the said Commissioners shall deem best for the interest of said County.

SEC. 2. That said County Commissioners are hereby authorized to order payment to be made for the Repairing of said Bridge out of the Current Expense and Redemption Fund of said County of Ada, in accordance with any contract that they may authorize to be made by the said Superintendent. *Provided, however*, They shall not contract to pay to exceed the sum of five hundred dollars for the repairing of said Bridge.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 6, A. D. 1873.

AN ACT

To Repeal an act entitled "An Act to Prohibit the Collection of Accounts for Liquors Sold at Retail," Approved December 22d, 1870.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That an act entitled "An Act to Prohibit the Collection of Accounts for Liquor sold at Retail," approved December 22d, 1870, be and the same is hereby repealed.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, December 21, A. D. 1872.

AN ACT

To Repeal an act entitled "An Act for the Benefit of the District Judges of Idaho Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That an act entitled "An Act for the Benefit of the District Judges of Idaho Territory," approved January 11th, A. D. 1867, be and the same is hereby repealed.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, December 21, A. D. 1872.

AN ACT

To amend an act entitled "An Act Concerning Crimes and Punishments," Approved December 21st, 1864.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 12 of the "Act Concerning Crimes and Punishments," approved December 21st, 1864, be and the same is hereby amended to read as follows: Section 12. The party or parties injured shall in all cases be compe-

tent witnesses; and the party accused and prosecuted in any criminal proceeding, or for any crime, shall be a competent witness or witnesses on his or her own behalf. But no criminal shall be compelled to testify against him or herself in any case; the credibility of all such witnesses shall be left to the jury, as in other cases. In all cases where two or more persons are jointly or otherwise concerned in the commission of crime or misdemeanor, either of such persons may be sworn as witnesses against another in relation to such crime or misdemeanor; but the testimony given by such witness shall in no instance be used against himself in any criminal prosecution; and any person may be compelled to testify as provided in this section, except a party accused shall not be compelled to testify against him or herself.

SEC. 2. That all acts and parts of acts in conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

APPROVED, January 8, A. D. 1873.

AN ACT

To Apportion the School Fund of Boise County.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION. 1. It shall be and is hereby made the duty of the County School Superintendent of Public Schools, of Boise County, upon receiving notice from the County Treasurer of the amount in the School Fund, as provided by law, to apportion it among the several School Districts in the following manner: one half of the whole amount he shall divide equally among the several organized districts of the County, regardless of the number of children in any district, and place to the credit of each School District of the County the said equal share, the remaining one half of said whole amount he shall apportion per capita among the several districts, in proportion to the number of children in each, as shown by the last report of the School Census Marshal of each district, and credit each district with the amount to which such apportionment entitles it.

SEC. 2. The County of Boise is hereby exempted and excepted from that portion of section ten of an act entitled an act to establish a common school system and to provide for the

maintenance and supervision of Public Schools, passed on the 13th day of January, A. D., 1871.

SEC. 3. This Act shall take effect and be in force from and after its approval by the Governor.

APPROVED January 10th, A. D., 1873.

AN ACT

Entitled an Act to Amend An Act, passed January 13th, 1871,
Known as the Common School Law.

*Be it enacted by the Legislative Assembly of the Territory of
Idaho, as follows:*

SECTION. 1. There shall be an election held annually on the First Tuesday after the First Monday in June in each year, at each District School House in this Territory, at which election there shall be elected by the qualified voters of the several districts, three Trustees for each district, to hold their term of office for the term of one year or until their successors shall be elected and qualified. *Provided however*, that the Board of County Commissioners of each County shall have the power, and it is hereby made their duty, at any regular meeting of the Board, to fill by appointment any vacancy that may exist in the various Boards of School Trustees, that may exist in the various school districts in their respective Counties.

SEC. 2. Section thirteen of any act of which this Act is amendatory is hereby repealed.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 10th, A. D., 1873.

AN ACT

To Define the Boundary Line Between Lemhi and Idaho
Counties.

*Be it enacted by the Legislative Assembly of the Territory of
Idaho, as follows:*

SECTION. 1. The Boundary Line between Lemhi and Idaho Counties, in this Territory, shall be and is hereby established,

commencing at the mouth of the Middle Fork of Salmon River, thence southerly up the main divide between the Middle and South Fork of Salmon River to the north line of Boise County.

SEC. 2. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 10th, A. D., 1873.

AN ACT.

To Incorporate Franklin City, in Oneida County.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION. 1. That Franklin City shall be bounded as follows: all that district of country lying within the following limits, to wit: Beginning at a point forty rods east from the north-east corner of Lorenzo H. Hatch and Company's grist mill, from thence north one half mile, thence west two miles, thence south to the boundary line between Idaho and Utah Territories, thence east along said line two miles; thence north to place of beginning.

SEC. 2. The inhabitants of said Franklin City shall be, and are hereby constituted a body politic and corporate, by the name and style of Franklin City, and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded, and shall have power to receive property, real and personal, and may dispose of the same for the benefit of the City. All deeds conveying real estate belonging to said City shall be signed by the Mayor and attested by the City Clerk, and the seal of said City, and shall be acknowledged and recorded as other deeds, and no conveyance not thus executed, acknowledged and recorded, shall have any validity whatever as against said City.

SEC. 3. For the government of said City, there shall be biennially elected, in the manner hereinafter provided, the following officers: a Mayor, a Common Council, consisting of five members, a City Marshal, Collector and Treasurer; and the Mayor and Common Council shall have power to appoint such other officers as they shall think necessary, and to fix the compensation of all the officers herein provided for; except the Mayor and Common Council, who shall receive no compen-

sation. The Mayor shall preside at all meetings of the Common Council, and shall have the right to veto any ordinance passed by the Council; and the same, when so vetoed, shall be returned within three days, with his reasons, to the Council, after which the same shall not become a law unless repassed by a two thirds vote.

SEC. 4. A general election for all City officers required by this Act to be elected, shall be held biennially on the first Monday in August. *Provided*, the first election under this Act shall be on or before the first Monday in August, A. D., 1873. At such elections any person shall be entitled to vote, who shall have at the time of said election, the qualifications of voters at the several County elections provided by law, and who, in addition thereto shall have resided in said City thirty days next preceding such election. Said election shall be conducted as near as may be in the same manner as the County elections, and returns thereof shall, within five days thereafter, be made to the City Clerk—who shall open and canvass the same in the presence of the Mayor and Common Council. A vacancy in any City office may be filled by the Common Council until the next election. In the absence of the Mayor his duties shall be performed by a member of the Council, to be chosen by them for the purpose. The Common Council may elect one of their own members to act as City Clerk and fix his compensation.

SEC. 5. Said Mayor and Common Council shall have full power and authority to levy taxes for municipal purposes, not to exceed one half of one per cent per annum, upon all taxable property in said City, and collect the same in the manner hereinafter prescribed, to permit and restrain any disturbance or disorderly conduct, riot, drunkenness, or any indecent or immoral practice within the limits of said City; to make such regulations as shall promote the health, peace, cleanliness and good order within said City; to control and regulate the fire department, and to provide, by ordinance for the election of the officers of said department by the members thereof, specifying such officers and defining their duties; to open and establish streets, and widen the same when deemed necessary, and for that purpose to condemn property for the City use, under such regulations as they may provide for that purpose; but the amount to be paid to the claimant shall be fixed by three disinterested persons after due notice to the claimant, and hearing all the evidence to be offered; their report to be

afterwards acted upon by the Council. The claimant of such property shall be entitled to an appeal from the decision of said Council, or of any commissioners or appraisers appointed by them to the District Court, by filing with the City Clerk within ten days after such decision shall be rendered, a bond with security in double value of the property so claimed, to be approved by said Clerk, conditioned for the payment of all costs of said appeal, and to surrender the property if so required by the District Court. In any such condemnation of property, the same shall be done in accordance with the general laws which are or may be hereafter in force on the subject. The Mayor and Council shall have power to make all needful by-laws, ordinances and regulations not repugnant to the constitution of the laws of the United States, nor to the laws of this Territory. They shall also have power to prescribe their own rules for doing business; they shall also have power to remove and prevent nuisances.

SEC. 6. The City Assessor shall proceed to assess the taxable property of the City, under such regulations as may be prescribed by the Council, and shall deliver a certified list of said property, so assessed, to the Collector. The City Collector, after receiving such list, shall proceed to collect the same in the same manner that other taxes are collected, and all the laws and provisions regulating the assessment and collection of taxes under the general revenue laws, shall be followed in the assessment and collection of said City taxes, so far as the same may be applicable and not inconsistent with ordinances of the City passed in relation to the same subject matter.

SEC. 7. In case the taxes so assessed upon any property shall not be paid, and no other property of the owner can be found upon which to levy, the City Collector shall proceed to make out a list of said delinquent property, and after advertising the same for four successive weeks, in some newspaper published in said City, or by posting notices of the same in three conspicuous places in said City, shall sell at public auction the property so assessed, whether the same be personal property or real estate, or what nature soever it may be. In selling said real estate for taxes, the same course shall be pursued as near as may be, which is or may be prescribed by law for the sale of property on execution.

SEC. 8. Should any person feel aggrieved by any assessment made by the City Assessor, he may, at any time before sale for taxes, apply to the Common Council to have the same reduced. If said Council shall refuse to reduce such assess-

ment, said owner or claimant shall give public notice of such refusal at the tax sale, and such refusal, if unjust or oppressive, shall then be good cause for invalidating the sale of such property so unjustly assessed. In all cases a deed shall be executed by the City, in the manner hereinafter prescribed, to any purchaser at a tax sale when the same shall be applied for, and such deed shall be *prima facie* evidence of the regularity and validity of all previous proceedings. Said deed may be invalidated by showing, first that said property was not subject to taxation; or second, that taxes on the same had been paid; or third, that said assessment was unjust or oppressive and that application to reduce the same had been made to the Common Council, and refused, and that public notice of such refusal had been given at the tax sale, as hereinbefore required, but said deed shall not be invalidated for any other cause whatever.

SEC. 9. Said Common Council shall appoint one of the Justices of the Peace residing within said City, as Committing Magistrate; whose duty it shall be to hear all complaints of violation of said ordinances and to examine all persons arrested by the Marshal. Said Justice shall have power to punish, by fine or imprisonment, or both, any violation of any of said ordinances; but no such punishment shall exceed a fine of one hundred dollars, or imprisonment for twenty days in the County or City Jail.

SEC. 10. The roads, streets and alleys within said limits shall be under the exclusive control of said Common Council, who shall make all needful rules in relation to the improvement, repair, grading, cleaning etc., of the same, and said City shall not be included in any road district in said County.

SEC. 11. All officers required to be elected by this Act, shall, before entering upon the duties of their office, take an oath or affirmation of office before any person competent to administer oaths. All demands and accounts against the City shall be audited by the City Council, and shall be paid by the Treasurer, on the warrant of the Mayor, countersigned by the City Clerk. All ordinances shall be signed by the Mayor and filed and recorded by the Clerk.

SEC. 12. The Common Council shall have power to improve any street, and levy the costs of said improvement, in whole or in part, upon the property fronting on said street, and draw the balance, if any, from the general fund; said special assessment to be collected in the same manner as the general City taxes.

SEC. 13. In order that the inhabitants of said City may

enjoy the immediate benefit of this Act, the following named persons are hereby appointed to fill the various City offices, and to hold the same until their successors are elected and have qualified: Mayor, Members of the Council, Treasurer, Marshal, Ex-Officio Collector, Assessor.

SEC. 14. There shall be an election held in Franklin City on or before the first Monday in August, A. D., 1873, for the purpose of electing the various officers provided for under this Act, and for the purpose of holding said election, P. Thomas, Archibald Hadlock, Wm. Bell, are hereby appointed judges of election, who shall superintend the same and shall give to the persons elected a certificate of election. The persons thus elected shall hold the offices until their successors are elected and qualified, unless they resign or are removed from office.

SEC. 15. This Act to take effect and be in force from and after the approval of the same by the Governor.

APPROVED, January 10th, A. D., 1873.

AN ACT

To Provide for the Purchase of the Supreme Court Reports of the State of California for the Territorial Law Library of Idaho Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The Governor of Idaho Territory is hereby authorized to purchase the Supreme Court Reports of the State of California, from the 1st volume to the 39th volume inclusive, belonging to E. J. Curtis, for the purpose of placing the same in the Territorial Law Library of Idaho Territory, for the benefit of the Supreme Court of this Territory and the people.

SEC. 2. The contract price shall not exceed the sum of three hundred dollars in coin for the said Reports, to be rated from the day the said Reports were placed in the Territorial Law Library, and to be made equal to the said amount of gold coin if paid in Territorial Warrants.

SEC. 3. When the Governor shall have completed said purchase, he shall certify the same to the Controller, who shall issue a warrant for the said amount in favor of E. J. Curtis.

SEC. 4. This Act shall be in full force from and after its approval by the Governor.

APPROVED, December 19th, A. D., 1872.

AN ACT

To Repeal "An Act entitled An Act to make the Assessor of Shoshone County the Collector of Road Tax," approved January 13, 1871.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That an act entitled "an act to make the Assessor of Shoshone County the Collector of Road Tax," be and the same is hereby repealed.

SEC. 2. This Act to take effect and be in force from and after its passage and approval by the Governor.

APPROVED, December 18th, A. D., 1872.

AN ACT

To Amend Section one of An Act Entitled "An Act to Provide for the Printing of Blanks for Idaho Territory," approved January 9, A. D., 1871.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. Section 1 is amended to read as follows: Section 1. The Territorial Controller is hereby authorized and required on the first day of October, in each year, to advertise and give notice that he will receive sealed proposals for contracts, for the printing and delivery at the Controller's office, in Boise City, of all blanks required by said office during the year next ensuing, and such notice shall state the date for the delivery of such blanks; a description and schedule of the same shall be made out and kept by the Controller in his office, for the inspection of any person desirous of making proposals for the printing of the same. Said notice shall be published in two newspapers, published in Idaho Territory at least once a week,

for at least four weeks, and shall state the time that all proposals will be opened, and the time such blanks shall be delivered, and at the time in said notice designated for the opening such sealed proposals, the Territorial Treasurer shall meet at the said Controller's office, and he and the said Controller shall open said proposals, and they shall award the contract to the lowest bidder; and *Provided further*, that the cost of said printing shall not exceed one thousand dollars in Territorial Warrants.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, January 8th, A. D., 1873.

AN ACT.

Granting Leave of absence from the Territory to Calton W. Manasco.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Calton W. Manasco, Assessor and Collector elect of the County of Lemhi, in the Territory of Idaho, is hereby granted leave of absence from the County and Territory aforesaid, for a period of four months during the term of his office; the time of such absence to be selected by himself within such term; and that such absence shall not create a vacancy in said office.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, December 11, A. D., 1872.

AN ACT

Granting Leave of Absence from the Territory to Ely Minert.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Eli Minert, County Treasurer elect of the County of Lemhi, in the Territory of Idaho, is hereby granted

leave of absence from the County and Territory aforesaid, for a period of four months during the term of his office; the time of such absence to be selected by himself, within such term; and that such absence shall not create a vacancy in said office.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, December 11, A. D., 1872.

AN ACT

Granting William Kelley Leave of Absence from this Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That William Kelley, County Recorder and Auditor elect of the County of Alturas, in the Territory of Idaho, be and he is hereby granted a leave of absence from the County and Territory aforesaid, for a period of four months during the term of his office; the time of such absence to be selected by himself within such term of office; and such absence shall not create a vacancy in said office.

SEC. 2. That this Act shall take effect and be in force from and after the day of its passage.

APPROVED, December 19, A. D., 1872.

AN ACT

For the Relief of John G. Berry.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the sum of seven hundred and fifty dollars, be and the same is hereby appropriated for the full payment of John G. Berry, late Sheriff of Nez Perce County, Idaho Territory, for his services and expenses by his deputies, in going from Lewiston, Idaho Territory, to Missoula, Montana Territory, and removing from the County Jail of said Missoula County, to the Jail of Nez Perce County, four persons, to wit: J. B. Marn, L. Masserkee, P. Marot and P. Tussey, charged

with the crime of murder in country attached to said Nez Perce County, for judicial purposes, under a requisition from His Excellency the Acting Governor of Idaho Territory.

SEC. 2. The Controller of Idaho Territory is hereby directed to draw his warrant on the Territorial Treasurer for the sum appropriated by this Bill, payable out of any money not otherwise appropriated.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 10th, A. D., 1873.

AN ACT

To amend an act entitled "An Act to Create a Board of County Commissioners in the Counties of this Territory, and to Define their Duties and Powers.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That Sec. 4 of an act entitled An Act to Create a Board of Commissioners in the Counties of this Territory, and to define their duties and powers," approved January 15th, 1869, be amended so as to read as follows: The regular meetings of the several Boards of County Commissioners shall be held at the County Seats of their respective Counties on the first Monday of January, April, July and October, of each year; *Provided*, That if the public interests require it, adjourned meetings of the Board, continuing for not more than three days in the aggregate, may be held in the interval, the time and place of the adjourned meeting having been first entered in the minutes of the Board, and a notice thereof posted on the Court House door; *Provided*, That Special Meetings may be held as hereafter provided; and at such times as are, or may be provided by law.

SEC. 2. Section 9 of said act, the eighth clause thereof, is hereby amended to read as follows: Eighth—To establish, vacate, and change election precincts; and to appoint Inspectors and Judges of Elections; and designate places for holding the same.

SEC. 3. It shall be the duty of County Commissioners to examine, or cause to be examined, the books of the County Treasurer and the County Auditor, at least once in each year.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED, December 31, A. D. 1872.

AN ACT

Granting George Drew Leave of Absence from the Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That George Drew, County Recorder, County Auditor, and County Clerk elect, of the County of Owyhee, be and he is hereby granted leave of absence from the Territory for a period of four months, during the years 1873 and 1874, the time of such absence to be selected by himself within the years aforesaid; and that such absence shall not be construed to create a vacancy in his office.

SEC. 2. This Act to take effect and be in force from and after its passage.

APPROVED, December 19, A. D. 1872.

AN ACT

To amend an Act entitled "An Act to amend An Act relative to Elections," Approved December 17th, 1864; Approved January 9th, 1866.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Sec. 1 of an act to amend an act entitled an act relative to Elections, approved Jan. 9, 1866, is hereby amended to read as follows: Sec. 1. Section 2 of an act entitled an act relative to Elections, approved December 17th, 1864, is hereby amended to read as follows: Section 2. At all elections to be held under this Act, the polls shall be opened at the hour of Eight o'clock in the forenoon, and continued open until eight o'clock in the evening of the same day, at which time the polls shall be closed, and upon opening the polls, one of the Clerks, under the direction of the Judges, shall make proclamation of

the same; and thirty minutes before closing the polls, proclamation shall be made in like manner, and the polls shall be closed in half an hour thereafter; *Provided*, That in all Precincts numbering less than two hundred and fifty voters, the polls shall be open at eight o'clock in the forenoon and remain open until six o'clock in the afternoon of the same day, subject to the like proclamation as in other cases provided by this section.

SEC. 2. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act to take effect and be in force from and after its passage.

APPROVED, January 8th, A. D., 1873.

AN ACT

Defining the Duties and Liabilities of Stock Ranchers.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Any person who, for a consideration, shall take horses or other stock to keep and take care of by the day, week, month or year, shall be deemed a stock rancher.

SEC. 2. It shall be the duty of every stock rancher to use due diligence to prevent the death or loss of, or injury to, any animal in his charge as such rancher; and in case of injury to such animal while in possession of a stock rancher, the owner thereof, or other person acting as his agent, shall have power to recover, before any court of competent jurisdiction, the full amount of damages sustained by such animal or animals; *Provided*, It shall appear to the satisfaction of the court or jury where such cause shall be tried, that such loss, death or injury was in consequence of the failure of the stock rancher to use due and reasonable diligence to prevent such death, loss or injury.

SEC. 3. Any stock rancher using any animal placed in his charge, by riding or working the same in any manner whatever, unless there is an express contract between himself and the owner or owners thereof, allowing such animal or animals to be so used, shall forfeit all claims or demands he may have against the owner or owners thereof for ranch fees on such animal or animals; and he shall furthermore be liable for any

damages or injury such animal or animals may sustain by reason of such use, to be recovered in an action at law before any court of competent jurisdiction.

SEC. 4. This Act shall take effect and be in force from and after its passage.

APPROVED, December 21, A. D. 1872.

AN ACT

To amend "An Act entitled An Act to provide for the Appointment of Notaries Public, and Defining their Duties," Approved January 11th, A. D. 1867.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 1 of said Act be amended to read as follows: Section 1. The Governor shall have the power to appoint and commission in each county as many Notaries Public as he may deem necessary, who shall hold said office for the term of four years.

SEC. 2. This Act shall take effect and be in force from and after its approval by the Governor.

APPROVED, January 2, A. D., 1873.

AN ACT

For the Relief of John S. Gray.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That whereas John S. Gray, late Territorial Treasurer of Idaho Territory, has been declared to be a defaulter to the said Territory, and it satisfactorily appearing that such defalcation did not occur or arise from any unlawful act of the said John S. Gray, as such Territorial Treasurer, therefore he, the said John S. Gray, be and he hereby is, relieved from any and all penalties of fine or imprisonment by reason or in consequence of such defalcation; *Providing*, That nothing herein contained shall relieve the said John S. Gray

or his sureties as such Treasurer, from the payment of any and all sums found to be due to said Territory from said Gray, as such Treasurer.

SEC. 2. This Act to take effect from its passage.

APPROVED, January 10, A. D. 1873.

AN ACT

Relating to Printing done for the Territory by order of the Secretary of the Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the Secretary of the Territory of Idaho is hereby authorized and empowered to select four newspapers, published in the Territory of Idaho, to print the Governor's Election Proclamation.

SEC. 2. That the sum of one hundred dollars to be equally divided between the said four newspapers, and the same is hereby appropriated biennially out of any money in the Treasury, to pay for the printing of such Proclamation.

SEC. 3. The Controller is required to draw his warrant on the Territorial Treasurer, for the sum of one hundred dollars biennially, in favor of the Secretary of the Territory, as full compensation for the printing of said Election Proclamation.

SEC. 4. No printing for Thanksgiving Proclamations will be paid for out of the Territorial Treasury.

SEC. 5. This Act to be in force from and after its passage.

APPROVED, January 9, A. D. 1873.

AN ACT

To Amend An Act Entitled "An Act in Relation to the Clerk of the Supreme Court and Prescribing his Duties," Approved December 17, 1864.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 3 of an act in relation to the

Clerk of the Supreme Court, and prescribing his duties, approved December 17th, 1864, be and the same is hereby amended to read as follows.

SEC. 2. The Clerk shall keep his office at the seat of government; and shall keep it open at all reasonable hours; and shall keep such records and books as are prescribed by law and the Supreme Court. The rent for the office, fuel and lights, books and stationery shall be paid for out of the Territorial Treasury, by drafts of the Territorial Controller, the bills being first approved by one of the Judges of said Court. *Provided*, the sum allowed for rent of office, fuel, lights, office furniture, books, stationery and everything necessary for the carrying on and in the performance of the duties of said Supreme Court Clerk, shall not exceed two hundred and fifty dollars annually.

SEC. 3. All acts and parts of acts in conflict with this Act be and the same are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.
APPROVED, January 9, A. D. 1873.

AN ACT

To provide for the Protecting of Stock about Quartz Mills.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That all owners and operators of quartz mills in this Territory, shall enclose with a good and substantial fence, sufficient to turn stock, all Reservoirs and Dumps, or other material, when known to contain poison which is injurious to the health and destructive to the life of Stock, and shall construct a suitable drain to convey the water from such Reservoirs or Dumps into a running stream.

SEC. 2. Every person or persons who shall fail to comply with the provisions of Section 1 of this Act shall be liable to the owners of any horse, mule, cow, or other stock, that may be injured, poisoned or destroyed by drinking the water or acids that may flow from said mills, in a civil action, in twice the damage done, if said stock shall be injured or poisoned; and in twice the value of the property if said stock shall be killed or destroyed; *Provided*, That the provisions of this Act shall only apply to Alturas County.

SEC. 3. This Act shall take effect from and after its passage.
APPROVED, January 10, A. D., 1873.

AN ACT

To Provide for the Publication of Notices by the Territorial Treasurer for the Redemption of Outstanding Territorial Warrants, and to Provide a Contingent Fund therefor, and for the Necessary Stationery for his Office.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any monies in the Territorial Treasury, not otherwise appropriated, for the purpose of enabling the Territorial Treasurer of Idaho Territory to defray the expenses of publishing notices for the redemption of outstanding Territorial Warrants, when the sum to be advertised shall be one thousand dollars or more, as they become due, and for the purpose of providing the necessary stationery for his office.

SEC. 2. The Territorial Controller is hereby authorized to draw his Warrant in favor of the Territorial Treasurer for the above sum.

SEC. 3. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act to take effect and be in force from and after its passage.

APPROVED, January 10, A. D. 1873.

AN ACT

To Amend An Act Entitled "An Act Relating to County Officers," Etc., approved February 4th, 1864.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That section (2) second of the act of which this is amendatory, is hereby amended to read as follows.

SEC. 2. Before entering upon the discharge of his duties, each Sheriff shall take the oath prescribed by law, and give a bond to the Territory for the faithful discharge of the duties of his office. The penalty of the bond shall be given in the sum of ten thousand dollars.

SEC. 3. This Act to be in force and effect from and after its passage and approval by the Governor.

APPROVED, January 2, A. D., 1873.

AN ACT

To Exempt Railroads Built Within the Limits of Idaho Territory from Taxation for Seven Years.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That so much of any railroad as shall be constructed within the limits of Idaho Territory, including rolling stock and depots belonging to the same, is hereby exempted from all Territorial, County and Municipal taxation, until the first day of January, A. D., 1880. *Provided*, the company owning and constructing such railroads shall claim said exemption within one year from the date of the approval of this Act, by filing their claim in the office of the Secretary of the Territory; and *Provided further*, that said claim shall be accompanied by the written agreement of said company, stating that in consideration of such exemption from taxation, until the first day of January, A. D., 1880, said company will charge no higher rate or tariff for freight and passengers in the ratio of the distance carried to or from any point in Idaho Territory, over the whole or any portion of their line, than shall be at the time charged for freight and passengers of the same class, for same distance on the Central and Union Pacific railroads. Said agreement to be in force during the period of said exemption.

SEC 2. This Act shall take effect and be in force from and after its approval by the Governor.

APPROVED January 9th, A. D., 1873.

AN ACT

For the Encouragement of Prisoners to Good Conduct, in the Different Prisons in this Territory.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Any prisoners in any of the different prisons of

this Territory, or who may hereafter be confined in any of the prisons of this Territory, for a less term than life, shall be entitled to five days deduction from his full term of imprisonment, for each and every consecutive thirty days, good behavior during said term of imprisonment.

SEC. 2. Said good behavior shall be certified to every three months, by the Keeper or Warden of said prisons, and entered on the records of said prisons, and when a prisoner shall have served his term, less the number of days he is credited by for good behavior, he shall be set at liberty.

SEC. 3. This Act to take effect from and after its passage.
APPROVED, January 9, A. D. 1873.

AN ACT

To Amend An Act Entitled "An Act Creating the Office of District Attorney in each of the Organized Judicial Districts of Idaho Territory, and Defining their Duties, Privileges and Powers, and Fixing their compensation, approved January 18th, 1866.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That section five of "an act entitled an act creating the office of District Attorney in each of the organized Judicial Districts of Idaho Territory, and defining their duties, privileges and powers, and fixing their compensation," approved January 10th, 1866, be amended to read as follows: All that portion of section five, after the word appropriated, is stricken out and the following inserted: And at the expiration of each quarter, the Territorial Controller is instructed and required to draw his Warrant in favor of each District Attorney, and the Territorial Treasurer is instructed and required to pay the same out of any moneys not otherwise appropriated.

SEC. 2. This Act to take effect from and after its passage.
APPROVED, January 8, A. D. 1873.

AN ACT

Defining the Boundary Line Between Idaho and Boise Counties.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the following line shall be and constitute

the boundary line of Idaho and Boise Counties; commencing at the extreme source of Goose Creek on the west, and running thence in an easterly and northeasterly direction to the westerly line of Lemhi County, so as to include in Boise County all the Territory watered by the Payette and its tributaries.

SEC. 2. That this Act shall take effect and be in force from and after its passage and approval by the Governor.

APPROVED, January 10th, A. D., 1873.

AN ACT

Concerning Stallions Running at Large.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows :

SECTION 1. That it shall be lawful for any person to take up and geld, at the risk of the owner, within the months of April, May, June, July, September and October, in any year, any Stud Horse, Jackass or Mule, of the age of fifteen months and upwards, that may be found running at large, out of the enclosed grounds of the owner or keeper, and if the said animal shall die, the owner shall have no recourse against the person or persons who may have taken up and gelded, or caused to be gelded, the said animal, if the same has been done by a person in the habit of gelding; and the owner shall pay the price of so gelding.

SEC. 2. It shall not be lawful for any person to geld any animal, knowing that such animal is kept or intended to be kept for covering mares; and any person so offending shall be liable to the owner for all damages, to be recovered in any Court having proper jurisdiction thereof; but if any owner or keeper of the covering animal shall wilfully and negligently suffer said animal to run at large, out of the enclosed grounds of said owner or keeper, any person may take the said animal and convey him to his owner or keeper, for which he shall receive two dollars, recoverable before any Justice of the Peace of the County; for a second offence, double the said sum, and for a third offence, said animal may be taken up and gelded, as provided in the first section of this Act.

SEC. 3. If a Stud Horse, Mule or Jackass, while running at large, out of the enclosed grounds of the owner or keeper, shall damage any other animal, by biting or kicking him, or

shall do any damage to person or property of any kind whatever, the owner of such Stud Horse, Mule or Jackass shall be liable for all damage done by him.

SEC. 4. That horses commonly called ridgelings shall be included under the provisions of section 3 of this Act.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

APPROVED, January 10th, A. D., 1873.

AN ACT

Vacating a Certain Judgment Rendered in the District Court of the 3d Judicial District of Idaho Territory, in and for Ada County, at the November Term, 1871.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Whereas it satisfactorily appears that a judgment was entered at the November term, 1871, of the District Court of the 3d Judicial District of Idaho Territory, in and for Ada County, against William Stewart upon his conviction of the offence of assault and battery, and whereas it further appears that the said William Stewart had been previously convicted, sentenced and punished by a Court of competent jurisdiction, therefore the said judgment rendered against the said William Stewart, at the November term of the said District Court, and the sentence rendered on the 26th day of December, 1871, upon said judgment, are hereby vacated and annulled, and the fine and imprisonment thereby imposed are hereby remitted.

SEC. 2. This Act to take effect from its passage.

APPROVED, January 10th, A. D., 1873.

RESOLUTIONS.

—0—

COUNCIL CONCURRENT RESOLUTION, NO. 1.

Resolved, by the Council, the House concurring, That fifteen hundred copies of the Governor's Message be printed; That two hundred copies of the Controller's Report be printed; That two hundred copies of the Report of the Superintendent of Public Instruction be printed; That two hundred copies of Treasurer's Report be printed; That two hundred copies of Standing Committees of the two Houses be printed; That one hundred copies of the Rules of each House be printed; And that one hundred copies of the Joint Rules of the two Houses be printed; And that the same be divided between the two Houses pro-rata.

APPROVED, December 13th, A. D., 1872.

COUNCIL CONCURRENT RESOLUTION NO. 3.

Resolved, by the Council, the House of Representatives concurring, That leave of absence be, and the same is hereby granted to H. B. Sinclair, Sheriff elect of Idaho County, Idaho Territory, for the period of four months, commencing January 1st, 1873, and that such absence shall not create a vacancy in said office.

APPROVED, December 13th, A. D., 1872.

COUNCIL CONCURRENT RESOLUTION NO. 4.

Resolved, by the Council, the House concurring, That two hundred copies of Prison Keeper's Report be printed for the use of the two Houses.

APPROVED, December 18, A. D., 1872.

COUNCIL CONCURRENT RESOLUTION NO. 5.

Resolved, by the Legislative Assembly of the Territory of Idaho, That the action of the Governor in contracting with the United States, for keeping the Territorial Prisoners in the United States Penitentiary; in his order for the removal of said Prisoners to said Penitentiary; and in his causing to be issued warrants on the Prison Fund in amounts sufficient to pay the contract price in currency, be and the same is, in all respects, hereby approved and ratified.

Passed the Council on the 14th day of December, 1872.

I. N. COSTON, President.

Passed the House of on the 18th day of December, 1872.

S. S. FENN, Speaker.

COUNCIL CONCURRENT RESOLUTION.

Resolved, By the Council, the House of Representatives concurring, that Council Concurrent Resolution No. 31, signed January 13th, A. D. 1869, be and the same is hereby rescinded, from and after the passage of this Resolution.

Passed the Council on the 8th day of January, A. D. 1873.

I. N. COSTON, President.

Passed the House on the 8th day of January, A. D. 1873.

S. S. FENN, Speaker.

HOUSE CONCURRENT RESOLUTION NO. 2.

Resolved, By the Assembly, the Council concurring, That the office of Journal Clerk for the Assembly and the office of Journal Clerk for the Council is hereby created for the present session, whose duties shall be to write in a suitable book, the Journal of their respective Houses. For which service each Clerk shall receive the sum of two hundred dollars, payable out of the Territorial treasury; and that the Territorial Controller be and he is hereby authorized to audit the accounts of the Journal Clerks, and to draw his Warrant on the Territorial Treasurer for that amount, for each of said Clerks, payable out of any moneys in the Treasury not otherwise appropriated, which Warrants the Territorial Treasurer is directed and re-

quested to pay out of any moneys not otherwise appropriated; and that the Chief Clerk of the Assembly and the Secretary of the Council, be each allowed and permitted to select and appoint the Journal Clerk of their respective Houses.

Passed the House on the 4th day of December, A. D., 1872.
S. S. FENN, Speaker.

Passed the Council, December, 7th, A. D., 1872.
I. N. COSTON, President.

HOUSE CONCURRENT RESOLUTION NO. 7.

Resolved, By the House, the Council concurring, that the Secretary of the Territory be requested to furnish three Committee Rooms for the use of the Committees of this Legislative Assembly.

Passed the House on December 14th, A. D. 1872.
S. S. FENN, Speaker.

Passed the Council December 14th, A. D. 1872.
I. N. COSTON, President.

HOUSE CONCURRENT RESOLUTION NO. 14.

Resolved, By the House of Representatives, the Council concurring, That the House of Representatives be authorised to elect a Second Assistant Clerk for the remainder of the Session, who shall be paid the sum of Twenty Dollars out of the Territorial Treasury; and the Territorial Controller is hereby authorized to draw a Warrant for the same.

Passed the House January 6th, A. D. 1873.
S. S. FENN, Speaker.

Passed the Council January 7th, A. D. 1873.
I. N. COSTON, President.

HOUSE CONCURRENT RESOLUTION NO. 15.

Resolved, By the House of Representatives, the Council concurring, That the sum of Fifty Dollars is hereby appropri-

ated to pay W. P. Thompson for a map of Idaho Territory, furnished this Legislature by him; and the Controller is directed to draw his Warrant for said amount, the Treasurer to pay the same out of any moneys not otherwise appropriated.

Passed the House January 9th, A. D. 1873.

S. S. FENN, Speaker.

Passed the Council January 9th, A. D. 1873.

I. N. Costox, President.

HOUSE CONCURRENT RESOLUTION NO. 16.

Resolved, By the House of Representatives, the Council concurring, That the sum of forty dollars is hereby appropriated to Wm. Thews, and the sum of forty dollars to Miss Molly Heed, for clerical services rendered by them to the Legislative Assembly of the seventh session; and the Controller is hereby directed to draw his warrants for said sums, and the Treasurer to pay the same out of any moneys in the Treasury not otherwise appropriated.

Passed the House, January 8th, A. D., 1873.

S. S. FENN, Speaker.

Passed the Council, January 10th, A. D., 1873.

I. N. Costox, President.

HOUSE CONCURRENT RESOLUTION NO. 17.

Resolved, By the House of Representatives, the Council concurring, That Allie Bird and Edward Pierce, Pages, be allowed the sum of one hundred and twenty dollars each, for services rendered as Pages for the Council and House of Representatives; and the Territorial Controller is hereby authorized to draw his Warrant on the Territorial Treasurer for said sums, to be paid out of any moneys not otherwise appropriated.

Passed the House, January 9th, A. D., 1873.

S. S. FENN, Speaker.

Passed the Council, January 9th, A. D., 1873.

I. N. Costox, President.

HOUSE CONCURRENT RESOLUTION NO. 19.

Resolved, By the House of Representatives, the Council concurring, That J. Herd, Porter of the House, be allowed the sum of Four Dollars per day for forty days, for his services, payable out of the Territorial Treasury, and that the Controller is required to draw his warrant for said sum in favor of said person, to be paid out of any money in the Territorial Treasury not otherwise appropriated.

Passed the House of Representatives on the 9th day of January, A. D. 1873.

S. S. FENN, Speaker.

Passed the Council January 10th, A. D. 1873.

I. N. COSTON, President.

HOUSE CONCURRENT RESOLUTION NO. 21.

Whereas, The Secretary of Idaho Territory is required to transmit copies of some twelve or thirteen long memorials and Resolutions to Congress, and some copies to the Secretary of the Interior Department, and copies to other Departments of the Government at Washington; and whereas it is an extra duty imposed on the Secretary, for which he has been compelled to employ extra labor, for the payment of which there is no provision of law; and whereas, the Secretary has now clerical assistance performing such labor, in order to comply with the request made in the Memorials and Resolutions by both Houses; therefore be it

Resolved, By the House, Council concurring, That the sum of one hundred dollars be, and the same is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, to pay for certified copies of the Memorials and Resolutions passed by both Houses of the Legislature at its present session, and required to be transmitted by the Secretary of Idaho, to the different Departments of the Government at Washington; and the Controller is hereby authorized to draw his Warrant for said amount, after the approval of this Resolution by the Governor.

Passed the House, January 10th, A. D., 1873.

S. S. FENN, Speaker.

Passed the Council, January 10th, A. D., 1873.

I. N. COSTON, President.

MEMORIALS.

—0—

HOUSE MEMORIAL NO. 1.

*To the Honorable, the Secretary of the Interior of the
United States :*

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would respectfully represent: That the boundary line between the Territories of Idaho and Washington, from the junction of the Clearwater and Snake Rivers, North to the British Possessions, has never been surveyed, and is undefined, except as set forth in the Organic Act of this Territory. That for one hundred miles north from said junction a large portion of the lands upon said line are occupied by settlers engaged in grazing and agriculture, who are unable to avail themselves of the provisions of the Land Laws, until the lands occupied by them are surveyed, and the Land District to which they belong ascertained. That frequent disputes arise between the Collectors of Revenue in the Counties on each side of the line between said Territories, and the settlers along the line are subjected to great inconvenience and loss from the uncertainty as to their localities.

Your Memorialists, therefore, earnestly pray that the necessary provisions be made for the Survey of said Boundary Line at the earliest practicable period.

And your Memorialists will ever pray.

The Secretary of the Territory is requested to forward a copy of this Memorial to the Secretary of the Interior of the United States and another copy to our Delegate in Congress.

Passed the House of Representatives on the 21st day of December, A. D. 1872.

S. S. FENN, Speaker.

Passed the Council on the 23d day of Dec., A. D. 1872.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 2.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would most respectfully represent, that whereas, that there is no direct mail between the eastern portion of our Territory with the western, and Montana; that all mails are sent by a long and circuitous route, via Kelton and Corinne, Utah, and Bannock City, Montana, a distance from Boise City to Salmon City about eight hundred (800 miles), and from Loon Creek, in the western portion of Lemhi County, to Salmon City, in the eastern portion of said County (and the County Seat), by the present mail route, is not far from one thousand (1,000) miles, when to carry the same by a direct line is not more than one hundred and twenty (120) miles. Therefore your Memorialists pray the establishment of a Mail Route from Loon Creek, which is the terminus of Route No. 15,721, to Salmon City, which is on Route No. 16,010, via Prairie Basin. That there is a good trail for horseback travel over the route for which we ask. That this route will give direct mail facilities to a large population in said County of Lemhi; and be of great benefit to the whole Territory. By the present route it takes from twenty to twenty-five days for a communication to go from Loon Creek to Salmon City, the County Seat.

Your Memorialists would pray for the establishment of said route, with semi-monthly service thereon, believing it would be an act of justice. For which your Memorialists, as in duty bound, will ever pray.

His Excellency, the Governor of this Territory, is hereby requested to forward copies of this Memorial to the Postmaster General of the United States, and to our Delegate in Congress.

Passed the House of Representatives on the 8th day of January, A. D. 1873.

S. S. FENN, Speaker.

Passed the Council on the 8th day of January, A. D. 1873.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 3.

To the Hon. Secretary of the Interior of the United States:

Your Memorialists, the Legislative Assembly of the Terri-

tory of Idaho, most respectfully represent, that the portion of this Territory, lying north of the Salmon range of mountains, embracing the Counties of Idaho, Nez Perce, and Shoshone, contains a population of five thousand persons, exclusive of Indians, a large portion of whom are engaged in agricultural and grazing pursuits; that the public lands on the western and northern side of the Nez Perce Indian Reservation have for several years been surveyed lands, are occupied by actual settlers, who have heretofore, and are still, availing themselves of the provisions of the Land Laws, and making their entries at the Lewiston Land Office; that the Nez Perce Indians, who make it their home upon the Reservation, are allowed to roam at large over the whole of Northern Idaho with their large bands of horses, to the great injury of settlers among whom they range, while the Indian Agent for the Nez Percés, at Lapwai Agency, compels white settlers residing upon their own lands outside the limits of said Reservation to pay a ranche bill of one dollar per month upon the cattle and horses of the white settlers which chance to range within the limits of said Reservation, and upon the unenclosed portion thereof, the same being an open common; that a large amount of lands have been surveyed, fenced and ploughed, for over two years, on the Nez Perce Indian Reservation; that a still larger amount has been since surveyed in twenty-acre lots; that but few allotments to heads of families have been made, except to those who were previously living thereon when the lands were so surveyed, ploughed and fenced; that many of the enclosures so unoccupied are going to decay, principally from the want of occupants to care for them; that the Nez Perce Reservation embraces the best portion of Northern Idaho, and that there are sufficient rich agricultural lands upon the same for more than double the number of allotments, as provided by the treaties of 1863 and amendments of 1868; that more than one-third of the Nez Perce Indians do not reside, and have not heretofore resided, upon their Reservations; that the principal part of those residing without the Reservation are what are called non-treaty Indians, and who wholly ignore the treaties, and refuse to go upon the Reservation, and decline to receive annuities, and are wandering, thieving, plundering vagabonds, whose conduct is liable to produce hostilities between the whites and Indians at any hour; that their being allowed to range at will, and associate with the lowest class of the white population, has a demoralized effect upon the Indians themselves, and places them without the pale of the religious and moral instruction intended for them by the provisions of the Treaties,

and leave them subject to all debasing influences that those Indians now upon the Reservation, and who have enjoyed the benefits of the treaties, are anxious that the whole tribe should be required to avail themselves of its provisions, and consider it the only means by which the debased and wandering of this tribe can be brought within restraining and purifying influences, and the heretofore usual good character of the Treaty Indians be maintained; that the Indians who have gone upon their allotments under the Treaty of 1863, are generally engaged in agricultural pursuits to a greater or less extent, many of them producing sufficient for their support, and the support of their families, and a surplus, with which they procure not only the necessities but many of the luxuries of life; that murders of white men by Indians, and Indians by white men, have frequently occurred in the Counties of Nez Perce and Shoshone, caused principally by the drunkenness and debauchery of the wandering Indians and their white associates, causing great expense to the Counties named, and general dissatisfaction among all powers both within and without the Reservation; that in the County of Shoshone there is now confined in the County Jail, a white man charged with killing an Indian squaw in a drunken row, some forty miles from the line of the Reservation; that the country north from the junction of Clearwater and Snake Rivers, along the line of Washington Territory, has been surveyed and returned to the Lewiston Land Office for a distance of fifty-five miles, and that almost the entire body of lands so surveyed and contiguous thereto, are rich, agricultural lands, and are now occupied by over five hundred white persons, engaged in agricultural and grazing pursuits; that over all of this Territory lying north from Lewiston are wandering bands of Spokanes, Palouse, Cœur d'Alene, and Nez Perce Indians, having all the characteristics of the wandering and lawless Nez Percés heretofore described, who retard the settlement of the country, and frequently commit outrages upon the property of the settlers, which, if persisted in, must inevitably produce bloodshed and the horrors of an Indian war; that information has been received at the office of the Surveyor General of this Territory, that it is purposed to establish an Indian Reservation south and southwest of the Cœur d'Alene Lake, upon Pine and Hangman's Creeks, and taking in a portion of the agricultural lands heretofore surveyed by the United States Deputy Surveyor, and orders have been issued to said Surveyor General from the Commissioner of the General Land Office, withdrawing said land from market, at the local Land Office at Lewiston, I. T.; that the lands

south and southwest of the Cœur d'Alene Lake, on Pine, Hangman's and Rock Creeks, are among the most desirable in this Territory for agricultural purposes, and were never permanently occupied by Indians until after the United States Deputy Surveyors commenced surveying the same; but that prior to that time the Indians of the various tribes or bands herein mentioned sometimes congregate there for trading and holiday purposes, as on a neutral ground; that prior to and since the U. S. surveys a large number of white settlers have located upon the lands within the proposed Indian Reservation, and some of them have already availed themselves of the provisions of the U. S. land laws, and made their homestead entries, and taken the necessary steps to perfect their pre-emption rights; that after the commencement of said surveys, some of the Cœur d'Alene Indians commenced making locations and improvements on Hangman's Creek; that prior to that time the Cœur d'Alenes had occupied the east side of Cœur d'Alene Lake and the valleys of the St. Joseph River and its branches, and there have extensive improvements; that the line of survey for the North Pacific Railroad will run in the immediate vicinity of the proposed Reservation; that experience has proved the fact that it is disadvantageous, both to whites and Indians, for Indian Reservations to be established on great thoroughfares, and thereby, being so established, both the Indians on such Reservation, and the white population adjacent thereto, become demoralized; that the Cœur d'Alene, Spokane, and Palouse Indians, as well as almost all the Indians at Colville and other portions of the northern part of Washington Territory, have for a long time had the benefit of the labors of the Catholic missionaries at Cœur d'Alene and other points, which render it desirable that as many of those bands (or tribes) as possible, should be placed upon the same Reservation, in order that the exertions of the missionaries may produce the greatest possible amount of benefits to the Indians themselves; that the Cœur d'Alenes are not numerous, and should they be allowed to remain upon their old haunts, there should be a Reservation set off for them on the east side of the Cœur d'Alene Lake, embracing the St. Joseph's Valley, where they had always resided until their attempting to play the part of land grabbers in the vicinity of Pine and Hangman's Creeks, after white settlers had commenced occupying the same, and after the commencement of the U. S. Land Surveys thereof.

Your Memorialists, therefore, respectfully but most earnestly pray, that all the Nez Perce Indians may be required to remove

upon their Reservation, and no one be allowed to depart therefrom except upon a written pass from the Indian Agent for the Nez Perces, and then only for a limited period; that the Palouse and Spokane Indians be removed to the proposed new Indian Reservation west of the Columbia River; and that the Coeur d'Alenes be also removed to the same Reservation; or, if such removal should not be deemed advisable, then that a Reservation be set apart for them on the east side of Coeur d'Alene Lake, and not extending south of the south fork of the St. Joseph's River.

And your Memorialists, as in duty bound, will ever pray.

The Hon. Secretary of Idaho Territory hereby directed to forward one copy of this Memorial to the Hon. Secretary of the Interior of the United States, and one copy to the Hon. S. A. Merritt, our Delegate in Congress.

Passed the House on the 30th day of December, A. D. 1872.

S. S. FENN, Speaker.

Passed the Council December 31st, A. D. 1873.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 4.

To the Hon. Secretary of the Interior of the United States of America:

Your Memorialists, the Legislative Assembly of the Territory of Idaho, respectfully represent that the Shoshone and Bannock Indian Reservation contains about 1,500,000 acres of fertile and valuable land, and is situated in and near the centre of the County of Oneida, in the Territory of Idaho; that all the principal roads and lines of communication between the Territory of Montana and the Central and Union Pacific Railroads run through the said Reservation, and that the Territory surrounding the same is settled upon by a permanent population, chiefly engaged in agricultural pursuits; that the Indians now on the Reservation do not much exceed three hundred in number, and are troublesome to their white neighbors, the settlers in the surrounding district; that the removal of the Indians and the bringing of the land situated within the said Reservation, into market, will be of great benefit to the people of this Territory, and particularly so to the inhabitants of the County of Oneida.

Wherefore, your Memorialists respectfully ask that you will

cause the Indians to be removed from said Reservation, and the land thereof surveyed and brought into market.

And your Memorialists will ever pray.

That the Secretary of the Territory be required to forward a copy to our Delegate, the Hon. S. A. Merritt, and the Secretary of the Interior.

Passed the House January 8th, A. D. 1873.

S. S. FENN, Speaker.

Passed the Council January 8th, A. D. 1873.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 5.

To the Senate and House of Representatives of the United States, in Congress assembled :

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would respectfully represent to your Honorable Bodies, that fraction No. 10 of the public domain, in the Territory of Idaho, and the northwest quarter of the southeast quarter of Section 5, in Township No. 3, Range 2 east, comprising a small tract of land of about fifty acres ; said piece of land is situated in Ada County, and distant from Boise City about one mile and a half ; that said fractional piece of land is still a part of the public domain, and unoccupied ; that it is suited, by its location, for a Territorial Fair Ground. We therefore pray your Honorable Bodies to set apart and donate said piece and parcel of land to the Territory of Idaho for the uses and purposes herein set forth.

And, as in duty bound, your Memorialists will ever pray.

Passed the House December 30th, A. D. 1872.

S. S. FENN, Speaker.

Passed the Council December 31st, A. D. 1872.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 6.

To the Honorable Postmaster General of the United States :

Your Memorialists, the Legislative Assembly of the Terri-

tory of Idaho, most respectfully represent that a Mail Route has been heretofore established from Lewiston, I. T., to Fort Colville, W. T., upon which no mail service has been performed; that for a distance of one hundred miles, on the portion of said route lying between Lewiston and the Spokane Bridge (a postoffice on the mail route from Helena, Montana, to Walla Walla, W. T.), there are several settlements of persons engaged in agricultural and grazing pursuits, containing in the aggregate over three hundred and fifty persons, who are compelled to obtain their mail matter either at Lewiston or Spokane Bridge, or pay an exorbitant price to private expressmen for the delivery of the same.

Your Memorialists, therefore, earnestly pray that mail service be put upon said route from Lewiston to Spokane Bridge, at an early day, and postoffices established at Thorn Creek, Paradise Valley, Palouse Bridge, Pine Creek, and Hangman's Creek.

And your Memorialists will ever pray.

The Secretary of the Territory is hereby directed to forward one copy of this Memorial to the Postmaster General of the United States, and one copy to the Hon. S. A. Merritt, Delegate in Congress.

Passed the House December 24th, A. D. 1872.

S. S. FENN, Speaker.

Passed the Council December 24th, A. D. 1872.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 6.

For the discontinuance of the weekly mail route and service from Payetteville, in Ada County, to Salubria, in Ada County, and to establish in place thereof a semi-weekly mail route and service from Boise City, in Ada County, to Salubria, in Ada County.

To the Hon. Postmaster General of the United States of America :

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would respectfully represent, that the present weekly mail service between Payetteville and Salubria is most inconvenient, and not adequate, and does not yield sufficient mail facilities to the people whose postoffice is at Salubria, and

residing in the Upper Weiser valley; that the time between the arrival and departure of the mail at Payetteville, for Salubria, is only about ten (10) minutes, leaving no time for a proper, careful and correct distribution of the mail matter; and that the same objection is applicable to any other postoffice on the proposed mail route, except Boise City; that the mail route and service most conducive to the interests of the people of and near Salubria, is by a direct service from Boise City postoffice, in Ada County, and that said Boise City postoffice is the proper postoffice to be the distributing office for said route and service; that the most direct and feasible route is from Boise City *via* Emmetsville and Falk's store, in the Payette valley, thence *via* Payette store and Weiser postoffices, thence to Salubria, a distance of one hundred and ten (110) miles, and that said route contains a large and increasing population.

Therefore, your Memorialists pray the discontinuance of the route and service from Payetteville to Salubria, as a weekly service, and that there be established instead thereof, a mail route from Boise City *via* Emmetsville, Falk's Store, Bluff Station and Weiser postoffices, to Salubria, a distance of one hundred and ten miles, and pray on said route a semi-weekly service.

His Excellency, the Governor, is hereby requested to forward copies of this Memorial to the Postmaster-General, and to our Delegate in Congress, and also to the Hon. John Hailey, our Delegate to Congress elect.

Passed the House on the 6th day of January, A. D. 1873.

S. S. FENN, Speaker.

Passed the Council on the 8th day of January, A. D. 1873.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 7.

To the Honorable the Senate and House of Representatives of the United States :

Your Memorialists, the Legislative Assembly of the Territory of Idaho, most respectfully represent, that an Act of Congress entitled "An Act to Regulate Elections in Washington and Idaho Territories," approved May 9th, 1872, provides that the election for Delegate to the House of Representatives for the Forty-Third Congress shall be held on the Tuesday following the first Monday in November, A. D. 1872, and thereafter biennially at the same time; and that all elective Territorial, County and Precinct Officers shall hereafter be elected at the

same time, unless otherwise provided by Legislation subsequent to the passage of said Act; that the practical working of said Act proves most injurious to the people of this Territory; that in many of the Counties, embracing the mountainous and mining portions thereof, the snow often falls to a great depth before the time of holding such election, and said Act works a practical disfranchisement of a large number of our legal voters, who are scattered over said sections of our Territory and are unable to attend the polling places; that the Legislative Assembly of Idaho Territory meets biennially on the first Monday in December after such election, and in the Counties of Lemhi, Nez Perce, Idaho and Shoshone, the members are required to depart from their homes as soon as the votes of such election are canvassed, and are required to travel from four hundred and fifty to eight hundred and fifty miles and through adjoining States and Territories, to reach our seat of government, doubling the distance required to be traveled, in consequence of the mountain roads and trails being blocked with snow, thus greatly increasing the expense to the Government of the United States in the item of mileage for members; that every man feels a deep interest in the election of competent and trustworthy county officials, and by the election being held at the time mentioned, those residing without the large towns or settlements are deprived of their voice in the election of their local officers, in which they have a vital interest; that the only remedy for the evil that we are enabled to apply would be the holding of Territorial and County elections at a different time from that fixed by Congress, which would produce an expense which the Counties of our new and struggling Territory are unable to bear.

Your Memorialists, therefore, earnestly pray that said Act be amended by fixing the time for all elections in this Territory on the second Monday in August, thereby allowing a full and fair expression of the opinions of our citizens, and without their being burdened with the expense of two general elections in the same year. And your Memorialists, as in duty bound, will ever pray.

The Hon. Secretary of Idaho Territory is hereby directed to forward one copy of the foregoing Memorial to the Hon. S. A. Merritt, our Delegate in Congress, and deliver one copy to the Hon. John Hailey, Delegate elect from this Territory.

Passed the House January 4th, A. D. 1873.

S. S. FENN, Speaker.

Passed the Council January 6th, A. D. 1873.

I. N. COSTON, President.

HOUSE MEMORIAL NO. 8.

To the Honorable, the Secretary of the Interior of the United States :

Your Memorialists, the Legislative Assembly of the Territory of Idaho, respectfully represent, that the County of Oneida, situated in the southeastern portion of the Territory of Idaho, is a County of great size, embracing about 23,000 square miles, and containing a large amount of valuable land, suitable for agricultural and grazing purposes, and that it is being rapidly peopled by an agricultural and permanent population ; that during the past year a considerable portion of the lands situated within said County have been surveyed by the Government, and will soon be brought into market ; that the town of Soda Springs, situate in a central part of said County, is distant, in a direct line, about 300 miles, and by the ordinary mode of travel about 450 miles, from Boise City, the nearest Land Office ; that it will be extremely inconvenient and expensive for the people of said County to journey to Boise City to enter their lands. We therefore respectfully ask you to establish a Land Office at the said town of Soda Springs.

And your Memorialists will ever pray.

That a copy of this Memorial be forwarded to our Delegate, S. A. Merritt, and the Secretary of the Interior.

Passed the House, January 7th, A. D., 1873.

S. S. FENN. Speaker.

Passed the Council, January 8th, A. D., 1873.

I. N. COSTON, President.

COUNCIL MEMORIAL NO. 1.

Praying that provision be made for the Protection of the People of Idaho Territory from Indians.

To the Hon. Secretary of the Interior of the United States of America :

Your Memorialists, the Legislative Assembly of the Territory of Idaho, most respectfully represent, that the principal population of Idaho Territory inhabit the Counties of Boise, Ada, Owyhee and Alturas, that these Counties are settled by

citizens mainly occupied in the business of mining and agriculture; that these Counties are infested during the summer season with roving bands of Indians, of the Shoshone, Ban-lack, Boise and Umatilla tribes, and fragmentary bands of other tribes, and that the aggregate number of Indians who thus come into the above-named Counties each year, will not average less than three thousand; that while thus traversing, hunting and fishing in these Counties (as it seems by the treaties made with them they have the right to do), no agent or authorized person claims the right to, or exercises any control over their movements whatever, and they are in truth and in fact, left entirely to themselves and their own devices; that while this state of affairs continue, constant danger hangs over the people; that an outbreak may occur at any time, beyond our power to quell, thus producing constant apprehension on the part of our people, retarding the settlement of the country, and seriously disturbing the productive industries of the regions in question. The Agents at Fort Hall and Lapwai, which are remotely situated from these settlements, affirm that they have no right to interfere with these Indians, while thus off from their Reservations. We feel that our people have no prospect of relief from these constant alarms in which they have thus to dwell, except by the interposition of the Department of which you are the head. That some action is necessary, we refer to the report of the Indian Agent at Fort Hall, Major High, and also the report of the agent sent out by the Governor of this Territory to investigate the reports of Indian outrages in Alturas County last summer, and also to Governor Thomas W. Bennett's Message, delivered to the present Legislative Assembly, December 3d, 1872. As a means of present relief, your Memorialists pray for the establishment of an Indian Agency at Boise City, our capital, with ample power and means to superintend the Indians in the interior of Idaho Territory, either under the control of the Executive of this Territory, or some competent person to be appointed (as may be deemed advisable and according to law) residing at this city, the capital of the Territory; and further, that the said Indians be confined to their Reservations, and not be allowed to roam at large. Your Memorialists also pray that the people of this Territory be placed by the Government of the United States in a position of defence in case of an emergency, by a grant of arms) as has been conceded to other Territories) to be stored at Fort Boise), for the use of the citizens who may volunteer in time of actual hostilities.

The President of the Council, and the Speaker of the As-

sembly, are directed to place this Memorial in charge of Gov. T. W. Bennett, to be by him presented or forwarded to the Honorable the Secretary of the Interior, and also to forward a like copy to our Delegate at Washington.

Passed the House December 16th, A. D. 1872.

S. S. FENN, Speaker.

Passed the Council December 17th, A. D. 1872.

I. N. COSTON, President.

COUNCIL MEMORIAL NO. 3.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would respectfully represent that the distance from Fort Boise, in Ada County, to Fort Lapwai, in Nez Perce County, on the Indian Reservation, is 194 miles on the meridian line, and the direction nearly north, and that from Fort Lapwai to the Spokane River, by the usually traveled route, is a distance of one hundred and twenty miles, north of Fort Lapwai; that through the country lying between Fort Boise and the Spokane River, there are numerous settlements of farmers, stock-raisers and miners of the precious metals; that over the entire route there are wandering bands of renegade Indians from the tribes of Bannacks, Shoshones, Nez Perce, Palouse, Cœur d'Alene and Spokanes, who annoy and frequently commit depredations upon the property of the settlers and travelers, and often threaten to make a general massacre of the whites, and destruction of property; that over the greater part of said route a first-class military road can be made at a very moderate cost, and only a small portion of said route would be of any considerable outlay or expense in construction; that from Fort Boise to Fort Lapwai there is not any wagon road by which men or munitions can be transported, except by a circuitous route. Your Memorialists further represent that the people, inhabitants of the Counties of Idaho, Nez Perce and Shoshone, constituting Northern Idaho, labor under very great inconvenience in obtaining access to the seat of government of the Territory; that while by the proposed road the distance from some of the northern counties would not exceed two hundred miles, by the present route of travel

the same inhabitants must travel 150 miles north, being directly in the opposite direction to the seat of government, then 100 miles westerly, through Washington Territory, and then about 300 miles southerly through the State of Oregon to Boise City, a total distance of about 550 miles, a burden almost intolerable at the inclement season of the year when these long journeys are necessarily undertaken, adding not only to the distance, but at least trebling the expense. The direct route from Boise City to Fort Lapwai is only passable on horseback or with pack trains; that from Fort Lapwai to the Spokane River, en route to Fort Colville, is 87 miles by an air line, and 120 by the usually traveled route, and there is a wagon road which can be made a first-class military road at a moderate expense; that the settlements on the proposed route between Forts Boise and Lapwai are Indian and Weiser valleys, the valley of the Little Salmon River, main Salmon River Valley, Canas Prairie, and others of smaller note; from Fort Boise to Main Salmon River, being 146 miles by meridian line, and thence to Lapwai, 48 miles on the meridian; from Fort Lapwai to the Spokane River are several young, but thriving and rapidly improving settlements; that by the construction of a military road over said route, the government would not only be enabled to give the settlers efficient protection along the route from Indian depredations, and transport men, supplies and munitions to and from said military posts at moderate expense; nor is it only in a military point of view that the proposed road is important, but would greatly facilitate the development of the natural resources of that portion of Idaho Territory, rich in wealth, both of the precious metals and for agricultural and stock-raising purposes, and is settling as rapidly as can be expected under the adverse circumstances and difficulties of locomotion; and such road will amply repay the United States for the moderate outlay for which your Memorialists ask. Your Memorialists would therefore earnestly pray that your Honorable Body make an appropriation of the amount necessary for the construction of said road.

And your Memorialists will ever pray.

The Secretary of the Territory is requested to forward a copy of this Memorial to the Secretary of the Interior of the United States, and another copy to our Delegate in Congress.

Passed the Council on the 18th day of Dec., A. D. 1872.

I. N. COSTON, President.

Passed the House of Representatives on the 23d day of December, A. D. 1872.

G. S. FENN, Speaker.

COUNCIL MEMORIAL NO. 4.

To the Senate and House of Representatives of the United States, in Congress assembled :

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would respectfully represent that on behalf of the inhabitants of the Territory they join with the Legislature of the State of Oregon, in praying earnestly that your Honorable body will grant aid to the Portland, Dalles and Salt Lake Railroad Company in the construction of a railroad from its terminus on the line of the Union and Central Pacific road, through this Territory, to Portland, Oregon. Your Honorable body has been so often memorialized upon this subject that it would seem to be a work of supererogation to again state the subject of our grievance. The Territory of Idaho joins the State of Oregon at its eastern boundary, and extends east to the Rocky Mountains ; on the south the Territory is bounded by Utah Territory and the State of Nevada ; and on the north by the British Possessions ; thus showing a vast area of domain. Within its bounds there is perhaps not to exceed twenty-five thousand white inhabitants, a large majority of whom live in the valley of Snake River and the waters flowing into it. On our west is Eastern Oregon, another extensive district of country, which, joined to Idaho Territory, embrace a great belt of mineral, agricultural and grazing lands, reaching from the Basin of Salt Lake to the Columbia River, a distance of six hundred miles, and little less in its average width. In this vast area we have no railroad, except a few miles in the eastern portion, projected from the Central Pacific, extending north to intercept the trade of Montana. The North Pacific it is true, according to its charter, would pass through the northern portion of Idaho, but at a distance so great from the valley of Snake River, a distance say of four or five hundred miles, that it would be to us useless, affording no facilities or advantages. For two hundred miles northwardly, from the Basin of Salt Lake, the surface of the country is made up of high mountains, vast sage plains, lava covered with rich bunch grass, and occasional small bodies of exceedingly rich agricultural lands. As you proceed further towards the Columbia River, the proportion of agricultural lands increase rapidly, and finally predominate as the ruling characteristic of the country. It cannot be unknown to your honorable body that for five hundred miles along and through this belt of country lies innumerable mineral deposits, rich in gold, silver, copper and lead, but by reason of their inaccessibility, the high

cost of transportation, and the tedious and slow mode of introducing machinery and exporting ores and bullion, these rich deposits have been but partially developed, and but to a limited extent explored. Nor is it new to your Honorable body that it requires heavy capital fully to develop these mineral regions, which for richness, variety and extent we say without the fear of successful contradiction are unsurpassed upon the Pacific slope. It would be almost incredible to state with exactness the extent and richness of the gold and silver bearing quartz which for miles protrudes from the earth in well defined ledges, varying in thickness from two to thirty feet, and yet, under the disadvantages before alluded to, lie undeveloped, valueless to the discoverers and to the government. To say that in this belt of country there are copper fields of great richness, conveys no correct idea of their value and importance to the country. Recent developments establish beyond question the fact that at no great distance from the line of the proposed road there exist immense fields of copper of the Peacock quality, sixty to ninety per cent. of which is pure copper, and assaying dollars of pure gold to the ton, and which it is believed, with the facilities for working and transportation, would alone pay for constructing the proposed road; and while an immense volume of European capital takes position along the lines of the Union and Central Pacific Railroads, from whence to delve into and develop every important mineral district within striking distance, it revolts at the idea of leaving quick, easy and cheap transportation upon railroads, for the long, tedious journeys across our sage-plains, to invest in enterprises attended with such drawbacks and inconveniences. A single instance will serve to show at what a great disadvantage the enterprise of the country labors, in its mining and agricultural pursuits. It occupies from four to five weeks, frequently, for large freight teams to make the trip to the Pacific Railroad and back, while in the same space of time the Columbia River merchant may take steamer and railroad to New York, purchase his goods, and return again to a point by the usually traveled route, fifteen hundred miles further from New York than Boise City. The proposed Portland, Dalles and Salt Lake Railroad will be centrally through the vast belt of country between the Basin of Salt Lake and the Columbia Valley, and the construction of the road would not only render our great mineral districts accessible to capital, afford cheaply and speedily all the machinery and appliances necessary to the profitable working of our mines and the exportation of ores and bullion, but would open and develop this vast country to settlement

and occupancy to its fullest capacity for agricultural and grazing pursuits, which otherwise must forever remain unoccupied and unappropriated, utterly valueless to the government, the people, or the settler. To dispose of these wild and inaccessible lands to the settler at the lowest rate, and appropriate a portion of the proceeds of such sales to the construction of a road through them, would be the highest order of economy in the government, and the best and wisest form of liberality towards the hardy pioneer and settler of the new country. The trunk road once constructed, and private enterprise will supply feeders along the line necessary to meet the demands of the various mining, agricultural and lumber districts within striking distance of the road. Aside from the general advantages arising from its construction, the early completion of those sections upon the Columbia River, having for their object the opening of that great river to free navigation, competition in transportation, and the consequent reduction of fifty per cent. in the cost of freights for Northern Idaho, and the eastern portions of Oregon and Washington, not only calls for our earnest appeal in that behalf, but affords additional reasons for invoking every possible aid in the construction of the through line. But the advantages to be derived from the construction of the proposed road would not be confined to the locality of its construction. It would connect by the shortest and most direct route the great Pacific Northwest with the heart and commerce of the nation. In the Basin of Salt Lake, intersecting with the many and diverging lines of railroad leading to almost every point of the compass, it must afford rare facilities for communication between the extremes of the nation, and so afford a through traffic of great magnitude, the chiefest support and surest guarantee for remunerative returns. It is not too much to say that this route will compare favorably with any other, as being in the line of trade between the United States and Asia, to be fed and supported by exports in exchange for importations, enhanced as it must be by a vast producing and manufacturing population in the Pacific Northwest. For these and many other good reasons, your Memorialists propose to give some reasonable aid in the construction of the said road through this Territory, and pray your Honorable body to grant lands, or the proceeds thereof, also in aid of its construction.

Passed the Council December 16th, A. D. 1872.

I. N. COSTON, President.

Passed the House December 17th, A. D. 1872.

S. S. FENN, Speaker.

CONTENTS.

LAWS OF SEVENTH SESSION.

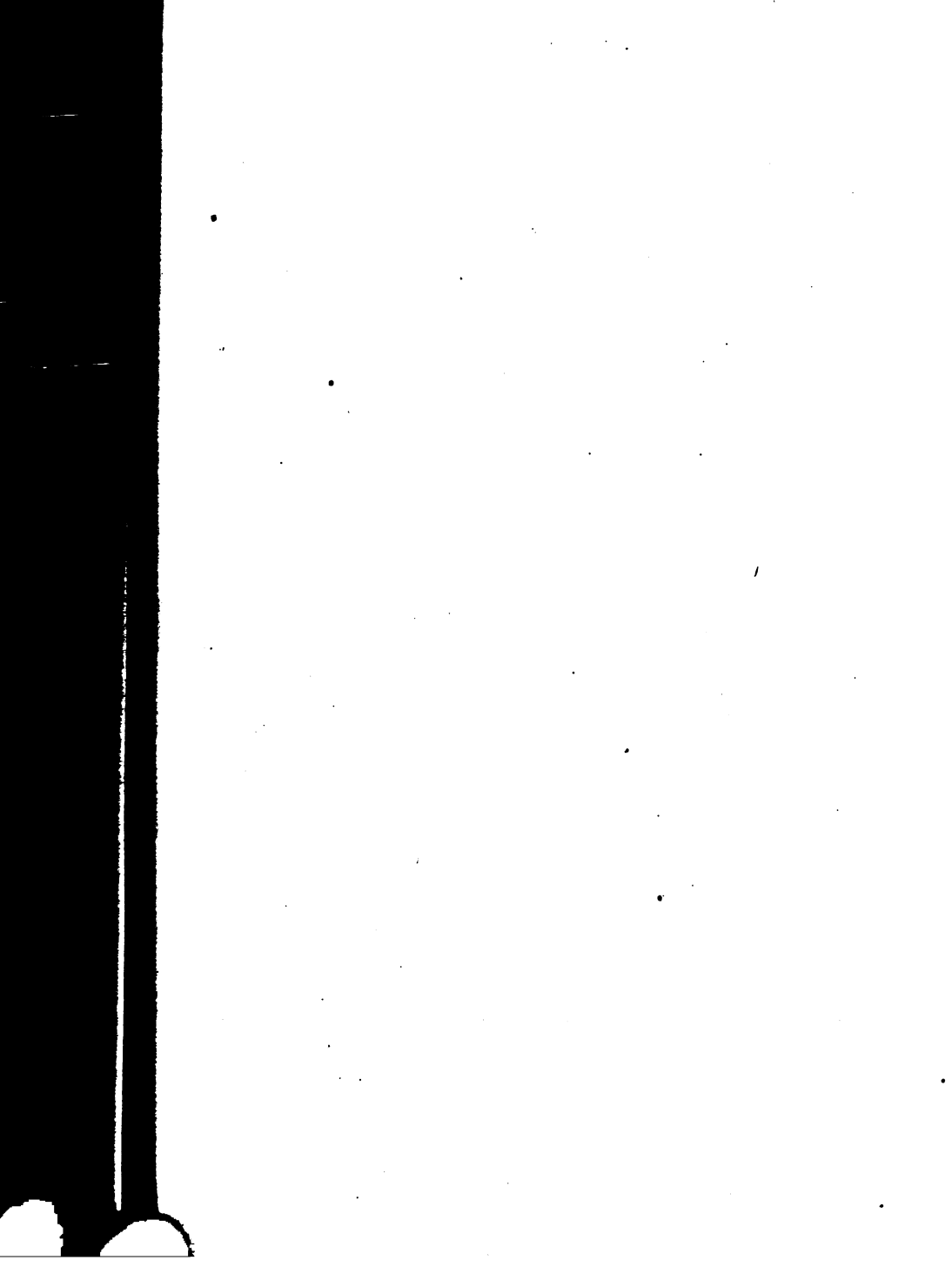
	PAGE.
An Act concerning Grand and Petit Jurors.....	5
An Act to protect Game in the Territory of Idaho.....	10
An Act to amend an Act entitled an Act concerning Roads, Highways, Trails and Public Thoroughfares.....	12
An Act fixing the Salaries and Fees of certain officers of Boise county....	14
An Act to provide for the survey, platting, and disposal of the land in the City of Lewiston, Nez Perce county, Idaho Territory, pursuant to the United States Statutes made and provided.....	16
An Act prescribing the manner of levying and assessing the Taxes in the counties of Ada, Owyhee, Lemhi and Oneida.....	22
An Act to provide for the distribution of the Laws and Journals of the Ter- ritory of Idaho.....	22
An Act regulating the salaries and fees of certain officers of Ada county...	23
An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in the Territory of Idaho.....	25
An Act relating to Fences and Trespasses in the counties of Nez Perce, Oneida and Idaho.....	26
An Act to give the Boards of County Commissioners of the various coun- ties of this Territory power to grant certain county officers leave of absence from their respective counties and from the Territory.....	27
An Act to amend an Act entitled an Act to incorporate the Oneida Wagon Road Company.....	28
An Act to provide for the preservation of Files of Newspapers published in the Territory of Idaho.....	29
An Act to amend an act entitled an Act to provide for the purchase of a Territorial Library, and for the keeping of the same.....	29

An Act to define the boundary line between the counties of Idaho and Ada, in Idaho Territory.....	30
An Act fixing the salary of the Territorial Controller.....	31
An Act concerning Roads and Highways in Boise county.....	31
An Act to provide for the compilation of the laws, general and special, of the Territory of Idaho, and for the indexing, publication and distribution of the same.....	33
An Act regulating the fees of certain officers in the county of Nez Perce...	34
An Act to provide for the better observance of the Sabbath Day.....	36
An Act supplementary to an Act entitled an Act to provide a uniform system of Territorial and County Revenue, and for the assessing and collecting the same.....	37
An Act defining the duties and liabilities of Sheriffs, in regard to Miscellaneous Licenses.....	38
An Act to repeal an Act entitled an Act to provide means for paying the warrants drawn on the forty-five per cent fund of Idaho county.....	39
An Act to provide for the annual transfer of the moneys in the Hospital Funds of Alturas and Shoshone counties, to other Funds of their respective counties.....	39
An Act entitled an Act in relation to the fees of clerks of the district courts of Idaho Territory.....	40
An Act to amend an Act entitled an Act to provide an uniform system of territorial and county revenue, and for the assessing and collecting the same.....	40
An Act to amend an Act entitled an Act relating to county officers, etc.....	41
An Act to provide for the payment of the balance of the salary of the District Attorney of District No. 3, for the term of said office, ending January 1st, A. D. 1871, to the person who was elected and performed the duties of said office during said term.....	42
An Act to dissolve the bonds of matrimony between Angeline Parker and Henry Parker, her husband.....	42
An Act granting leave of absence to W. P. Calahan, county treasurer of Alturas county, in the Territory of Idaho.....	43
An Act to repeal certain parts of the 2d section, and to amend the 3d section of an Act entitled an Act to provide for the keeping and accommodation of territorial prisoners.....	43
An Act to authorize the county commissioners of Ada county to repair a certain bridge in said county.....	44
An Act to repeal an Act entitled an Act to prohibit the collection of accounts for liquors sold at retail.....	45
An Act to repeal an Act entitled an Act for the benefit of the district judges of Idaho Territory.....	45
An Act to amend an Act entitled an Act concerning crimes and punishments.....	45
An Act to apportion the school fund of Boise county.....	46
An Act entitled an Act to amend an Act, passed January 13th, 1871, known as the common school law.....	47
An Act to define the boundary line between Lemhi and Idaho counties...	47

An Act to incorporate Franklin City, in Oneida county.....	48
An Act to provide for the purchase of the supreme court reports of the State of California for the Territorial Law Library of Idaho Territory.....	52
An Act to repeal an Act entitled an Act to make the assessor of Shoshone county the collector of road tax.....	53
An Act to amend section one of an act entitled an Act to provide for the printing of blanks for Idaho Territory.....	53
An Act granting leave of absence from the territory to Calton W. Manasco.....	54
An Act granting leave of absence from the territory to Ely Minert.....	54
An Act granting Wm. Kelley leave of absence from this Territory.....	55
An Act for the relief of John G. Berry.....	55
An Act to amend an Act entitled an Act to create a board of county commissioners in the counties of this territory, and to define their duties and powers.....	56
An Act granting George Drew leave of absence from the Territory.....	57
An Act to amend an Act entitled an Act to amend an Act relative to elections.....	57
An Act defining the duties and liabilities of stock ranchers.....	58
An Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties.....	59
An Act for the relief of John S. Gray.....	59
An Act relating to printing done for the Territory by order of the Secretary of the Territory.....	60
An Act to amend an Act entitled an Act in relation to the clerk of the supreme court and prescribing his duties.....	60
An Act to provide for the protecting of stock about quartz mills.....	61
An Act to provide for the publication of notices by the Territorial Treasurer for the redemption of outstanding territorial warrants, and to provide a contingent fund therefor, and for the necessary stationery for his office.....	62
An Act to amend an Act entitled an Act relating to county officers, etc....	62
An Act to exempt railroads built within the limits of Idaho Territory from taxation for seven years.....	63
An Act for the encouragement of prisoners to good conduct, in the different prisons in this Territory.....	63
An Act to amend an act entitled an act creating the office of district attorney in each of the organized judicial districts of Idaho Territory, and defining their duties, privileges and powers, and fixing their compensation.....	64
An Act defining the boundary line between Idaho and Boise counties....	64
An Act concerning stallions running at large.....	65
An Act vacating a certain judgment rendered in the district court of the 3d judicial district of Idaho Territory, in and for Ada county, at the November term, 1871.....	66
Resolution relating to printing Governor's Message, and Reports of Territorial officers.....	67
Resolution granting leave of absence to H. B. Sinclair.....	67
Resolution relating to printing prison keeper's report.....	67

Resolution endorsing action of the governor in contracting for keeping territorial prisoners.....	68
Resolution rescinding C. C. R. No. 31.....	68
Resolution creating office of journal clerk in Assembly and Council.....	68
Resolution requesting secretary to furnish committee rooms.....	69
Resolution to elect a second assistant clerk.....	69
Resolution appropriating moneys for map of the territory.....	69
Resolution appropriating moneys for clerical services rendered.....	70
Resolution to pay pages.....	70
Resolution to pay porter of the House.....	71
Resolution granting compensation to secretary for transmitting memorials.....	71
Memorial praying for survey of boundary line between Idaho and Washington Territory.....	73
Memorial praying for mail service from Loon creek to Salmon City.....	74
Memorial praying that the Nez Perce Indians be made to remove upon their reservations, etc.....	74
Memorial praying for removal of Indians off the Shoshone and Bannack reservations, etc.....	78
Memorial regarding fraction No. 10 of the public domain.....	79
Memorial praying for mail route from Lewiston to Spokane Bridge.....	79
Memorial praying for semi-weekly mail service from Boise City to Salubria.....	80
Memorial praying for amending an Act "Regulating elections in Washington and Idaho Territories".....	81
Memorial praying for the establishment of a land office in Oneida county.....	83
Memorial praying for the establishment of an Indian Agency at Boise City.....	83
Memorial praying for the building of a military road from Fort Boise to Fort Lapwai.....	85
Memorial praying for aid in favor of the Portland, Dalles and Salt Lake Railroad.....	87

INDEX.



INDEX.

A.

SEC.		PAGE.
	ABSENCE—Leave of	
1	To W. P. Calahan.....	43
1	To Calton W. Manasco.....	54
1	To Ely Minert.....	54
1	To Wm. Kelly.....	55
1	To Geo. Drew.....	57
	ADA COUNTY OFFICERS—Salaries and Fees of	
1	Salary of Sheriff.....	23
	allowed a jailor.....	23
2	Salary of Auditor.....	23
3	Salary of County Commissioners.....	23
4	Salary of Treasurer.....	23
5	Assessor to be ex-officio Tax Collector.....	23
	his duties and powers.....	23
	his salary.....	23
6	Commissioners to require additional Bond of assessor as tax collector.....	24
	tax collector to pay to treasurer moneys.....	24
7	Laws for collection of taxes made applicable to Assessor.....	24
8	Constable may charge.....	24
9	Claims, how allowed and audited.....	24
10	No allowance for rent or incidental expenses.....	24
	ALTURAS COUNTY—Revenue Act relating to	
1	Amending several sections.....	37
2	To apply only to Alturas county.....	38

B.

	BRIDGE ON WEISER RIVER—Commissioners to Repair.	
1	Commissioners to Repair.....	44
	to appoint a Superintendent.....	44
	power of.....	44
2	Amount of contract.....	44
	commissioners to order payment.....	44
	BERRY, JOHN G.—Act for Relief of	
1	Appropriation made.....	55
2	Controller to draw warrant.....	56
	BOUNDARY LINE—Idaho and Boise County.	
1	Defining boundary line.....	64

BOUNDARY LINE—Idaho and Lemhi County.

- 1 Defining boundary line..... 47

BOUNDARY LINE—Idaho and Ada Counties.

- 1 Boundaries of..... 30
- 2 Ada County to pay..... 30
- Idaho County to relinquish all claims for taxes..... 30

BOISE COUNTY OFFICERS—Salaries and Fees of

- 1 Sheriff..... 14
- 2 Auditor..... 15
- 3 Treasurer..... 15
- 4 Assessor..... 15
- 5 County Commissioners..... 15
- 6 Superintendent of Schools..... 15
- 7 How paid..... 15
- 8 How audited and allowed..... 15

C.**CIVIL CASES.**

- 1 Amending section 120 of Civil Practice act..... 25
- attachment..... 25
- 2 Clerk of Court to issue..... 25
- what writ shall contain..... 25

CLERK SUPREME COURT—Amending act relating to

- 1 Amending section 3 of act relating to supreme clerk..... 60
- 2 Where office is to be kept..... 61
- how expenses are to be paid..... 61
- amount not to exceed..... 61

CLERKS OF DISTRICT COURTS.

- 1 Amount to be received on final papers of naturalization..... 40

COMMON SCHOOL LAW—Act amending

- 1 Election to be held annually..... 47
- three trustees to be elected..... 47
- commissioners have power to fill vacancies..... 47
- 2 Repealing section 13..... 47

COMPILATION OF THE LAWS.

- 1 Secretary to compile..... 33
- how many volumes to be printed..... 34
- upon what conditions..... 34
- 2 Distribution of laws..... 34
- 3 Secretary to authenticate with seal..... 34

CONTROLLER—(see Territorial Controller).**COUNTY OFFICERS.**

- 1 Amending section 185 of act relating to county officers..... 41
- pay for attending in any civil suit..... 41
- no person obliged to testify until fees have been tendered him..... 41
- no person obliged to go without the county in which he resides..... 41

COUNTY COMMISSIONERS—Amending Act relating to

- 1 When and where to meet..... 56
- time of session..... 56
- 2 Amending section 9..... 56
- 3 To examine books of auditor and treasurer..... 56

CRIMES AND PUNISHMENTS—Amending act concerning

- 1 Amending section 12 of "act concerning crimes and punishments..... 45
- party prosecuted to be competent witness..... 46
- no criminal obliged to testify..... 46

D.

DISTRICT JUDGES—Repealing Act for benefit of	
1	Repealing an act for benefit of district judges..... 45
DISTRICT ATTORNEYS—Amending Act relating to	
1	Controller to draw warrant..... 64
DISTRICT ATTORNEY, DIST. NO. 3—Providing for payment of	
1	Controller to draw warrant..... 42
2	Treasurer to pay warrant..... 42
DISTRIBUTION OF LAWS.	
1	Controller to draw warrant in favor of territorial secretary..... 22
2	Repealing an act for the distribution of the laws..... 22

E.

ELECTIONS—Amending an Act relative to	
1	Amending sections 1 and 2 of an act concerning elections..... 57
	time of opening polls..... 57
	time of closing polls..... 57
	proclamation to be made before closing polls..... 58

F.

FENCES AND TRESPASSES.	
1	Farming land to have lawful fence..... 26
2	What constitutes a lawful fence..... 26
3	Penalty for not keeping in lawful repair..... 26
4	Penalty for throwing down..... 27
5	Who shall be fence viewers..... 27
	compensation of viewers..... 27
FRANKLIN CITY—Act to Incorporate	
1	Boundaries of..... 48
2	Perpetuity of charter..... 48
	power of charter..... 48
	deeds and conveyances, how to be signed..... 48
3	Government of, and by whom..... 48
	officers of..... 48
4	Elections, when held, etc..... 49
	council may appoint one of their number to act as Mayor..... 49
	council may choose clerk..... 49
5	Council may levy taxes..... 49
	disturbance, disorderly conduct..... 49
	to regulate fire department..... 49
	open and widen, or alter streets, and condemn property..... 49
	damages, how ascertained, proceedings..... 50
	mayor and council may make by-laws, etc..... 50
6	Duties of city assessor..... 50
	duties of collector..... 50
7	Taxes when not paid..... 50
8	Aggrievances, how rectified..... 50
9	Committing magistrate..... 51
10	Roads, streets and alleys under control of council..... 51
11	Oath of office to be administered to all officers..... 51
12	Improvement of streets..... 51
13	City officers, what composes..... 51

G.**GAME LAW.**

1	What game not lawful to hunt.....	10
2	What game not lawful to trap or net.....	11
	penalty for so doing.....	11
3	When not lawful to hunt.....	11
5	Penalty for hunting out of season.....	11
7	Fines, disposition of.....	11
8	Duty of officers.....	11
	penalty for neglect of duty.....	11
9	Jurisdiction, who to exercise.....	12

GRAY, JOHN S.—Act for relief of

1	Relieved from fine or imprisonment.....	59
---	---	----

H.**HOSPITAL FUND—Alturas and Shoshone County**

1	To what funds transferred.....	39
	to what applied.....	40

J.**JURORS—Act relating to Grand and Petit**

1	Qualifications of.....	5
2	Who exempt.....	5
3	Duty of county commissioners.....	5
6	Duty of clerks of district court.....	6
7	How drawn.....	6
8	Venire issue.....	6
11	Penalty for neglect to obey summons.....	7
12	Number to constitute a grand jury.....	7
13	In case of a deficiency.....	7
15	Who may be objected to.....	7
16	Appointment of a clerk.....	7
17	Penalty for disclosing the fact that an indictment has been found.....	7
19	When members of grand jury may be required to testify before court..	8
20	When petit jurors shall be summoned.....	8
	how selected.....	8
	how drawn.....	8
21	Who shall return jurors.....	8
25	Penalty for not properly drawing and summoning jurors.....	9
27	When talesmen may be summoned.....	9
28	Pay of grand and petit jurors.....	9
30	Repealing an act concerning jurors.....	10

L.**LEWISTON—Disposal of Lands in City of**

1	Power of Mayor.....	16
	duty of mayor.....	16
	mayor shall have a plat made of said city.....	16
	mayor shall have plat recorded.....	17
2	Streets, lanes, etc.; declared public highways.....	17
	blocks to be divided into lots of 50 by 100 feet.....	17
3	When occupants should make application.....	17
	what application should state.....	18
	how application should be made.....	18
	form of application.....	18

4	Mayor to file all applications for land.....	18
	records subject to the inspection of all persons.....	18
	deeds and conveyances, how to be made.....	19
6	Blocks, how to be numbered.....	19
7	Amount to be paid for deed.....	20
	expenses, how defrayed.....	20
8	Pay of Mayor.....	20
9	Property sold at auction, when.....	21
10	Disposition of moneys received from sale of lands.....	21

LIBRARY—Act relating to

1	Amending section 5.....	29
	when kept open.....	29
	amount of expense.....	29
	controller to draw warrant.....	30

LIBRARY—Act for Purchase of Supreme Court Reports.

1	Governor to purchase supreme court reports of California.....	52
2	Contract price not to exceed.....	52
3	Controller to issue warrant.....	52

LEAVE OF ABSENCE—Act giving Co. Com. power to grant

1	To whom they may grant leave of absence.....	27
	for how long a time.....	27
	conditions for granting leave of absence.....	28

M.

MEMORIALS.

	Memorial praying for survey of boundary line between Idaho and Washington Territory.....	73
	Memorial praying for mail service from Loon creek to Salmon City.....	74
	Memorial praying that the Nez Perce Indians be made to remove upon their reservations, etc.....	74
	Memorial praying for removal of Indians off the Shoshone and Bannack reservations, etc.....	78
	Memorial regarding fraction No. 10 of the public domain.....	79
	Memorial praying for mail route from Lewiston to Spokane Bridge.....	79
	Memorial praying for semi-weekly mail service from Boise City to Salubria.....	80
	Memorial praying for amending an Act "Regulating elections in Washington and Idaho Territories".....	81
	Memorial praying for the establishment of a land office in Oneida county.....	83
	Memorial praying for the establishment of an Indian Agency at Boise City.....	83
	Memorial praying for the building of a military road from Fort Boise to Fort Lapwai.....	85
	Memorial praying for aid in favor of the Portland, Dalles and Salt Lake Railroad.....	87

N.

NEZ PERCE CO.—Regulating Salaries and Fees of Officers.

1	Salary of auditor.....	34
2	Salary of county commissioners.....	35
3	Salary of treasurer.....	35
4	Salary of assessor.....	35
5	Salary of school superintendent.....	35
6	Salary of probate judge.....	35
7	Salaries, how paid.....	35

NEWSPAPERS—Act for preservation of files of

1	Secretary required to subscribe.....	29
2	Secretary to preserve files.....	29

to be bound.....	29
3 Controller to draw warrant.....	29
amount of warrant to be drawn.....	29
NOTARIES PUBLIC—Amending Act relating to	
1 By whom appointed.....	59
time of holding office.....	59

O.

OFFICERS, COUNTY—Amending Act relating to	
1 Amending section 2.....	62
2 Sheriff to take oath of office.....	62
sheriff to give bond.....	62
amount of bond.....	62
ONEIDA WAGON ROAD CO.	
1 Amending section 6.....	28
rates of toll.....	28
2 Commissioners not to reduce rates of toll for 6 years.....	28

P.

PUBLIC PRINTING—Amending Act.	
1 Controller to advertise for sealed proposals.....	53
notice to be published in two newspapers in the territory.....	53
contract awarded to lowest bidder.....	54
PUBLIC PRINTING—By order of Territorial Secretary.	
1 Secretary to have Governor's election proclamation printed.....	60
2 Appropriation therefor.....	60
3 Controller to draw warrant.....	60
PUBLICATION OF NOTICES—By Territorial Treasurer.	
1 Amount appropriated for publishing notices.....	62
2 Controller to draw warrant.....	62
PRISONERS—Encouragement to good conduct.	
1 Prisoners entitled to deduction of time for good conduct.....	63
2 Keeper or Warden to certify.....	64
PARKER, ANGELINE—Divorce granted	
1 Dissolving bonds of matrimony.....	42

R.

RAILROADS—To Exempt from Taxation.	
1 Railroads constructed within the territory exempt from taxation.....	63
for how long a time.....	63
company to claim exemption.....	63
by written agreement.....	63
amount company may charge.....	63
ROADS, ETC.—To amend an Act concerning	
1 Repealing sections 2, 3, 6, 9 and 10.....	12
Duties of commissioners.....	12
Duties of county clerk.....	12
supervisors.....	12
supervisors shall give bond.....	12
power of commissioners.....	12
Commissioners may levy a road tax.....	13

auditor to furnish blanks	13
duties of supervisors	13
supervisors to report	13
Delinquent Taxes	13
power of supervisors	13
Compensation of supervisors	13
what counties exempted from this act	14

REVENUE ACT—Amending

1 Amending section 109	40
property owned without the territory not to be assessed	41
owner to show receipt to assessor	41
affidavit to be made to assessor	41
assessor authorised to administer oath	41

ROADS AND HIGHWAYS—Boise County

1 Commissioners to divide county into road districts	31
2 Contracts to be advertised	32
3 Contract allowed to lowest bidder	32
4 Duties of contractors	32
penalty for infraction of contract	32
5 Tax collector to collect road tax	33
6 Pay of tax collector	33
7 Auditor to furnish blank receipts	33

RESOLUTIONS.

Resolution relating to printing Governor's Message, and Reports	67
Resolution granting leave of absence to H. B. Sinclair	67
Resolution relating to printing prison keeper's report	67
Resolution endorsing action of the governor in contracting for keeping territorial prisoners	68
Resolution rescinding C. C. R. No. 31	68
Resolution creating office of journal clerk in Assembly and Council	68
Resolution requesting secretary to furnish committee rooms	69
Resolution to elect a second assistant clerk	69
Resolution appropriating moneys for map of the territory	69
Resolution appropriating moneys for clerical services rendered	70
Resolution to pay pages	70
Resolution to pay porter of the House	71
Resolution granting compensation to secretary for transmitting memorials	71

S.

SABBATH DAY—An Act for the better observance of

1 No merchant to keep open store	36
apothecaries may keep open	36
penalty for violating	36
2 No plays to be performed	36
penalty	36
3 No saloon to be kept open	36
penalty	36
4 Jurisdiction	36
5 Disposition of fines	37

SHERIFFS—Liabilities of

1 Sheriffs to report to auditor all persons required to take out license	38
Sheriff liable upon his bond	38

SHOSHONE COUNTY ROAD TAX COLLECTOR.

1 Repealing an act making assessor collector of road tax	53
--	----

STALLIONS RUNNING AT LARGE.—Act concerning

1 When it is lawful to geld	65
-----------------------------------	----

- 2 When it is not lawful to geld..... 65
- penalty..... 65
- 3 Owner liable for damage done by stud, mule or jackass, at large..... 65

STOCK RANCHERS.

- 1 Who shall be deemed a stock rancher..... 58
- 2 Duties of stock ranchers..... 58
- 3 Penalty for using any animal left in his charge..... 58

STOCK ABOUT QUARTZ MILLS.

- 1 Quartz Mills to be enclosed with a good fence..... 61
- drain to be constructed..... 61
- 1 Penalty for neglect..... 61

STEWART WILLIAM—Vacating Judgment rendered against

- 1 "Vacating judgment against Wm. Stewart..... 66

SCHOOL FUND—Boise County

- 1 Duty of County Superintendent..... 46
- apportionment, how made..... 46
- 2 Exempting Boise County from certain provisions of sec. 10 of an act to establish a common school system..... 46

T.

TAXES—Special for Ada, Owyhee, Lemhi and Oneida.

- 1 Duty of County Commissioners..... 22
- 2 Duty of Assessors..... 22
- when they shall assess..... 22

TERRITORIAL CONTROLLER.

- 1 Salary of..... 31
- 1 how paid..... 31
- 1 amount for expenses..... 31

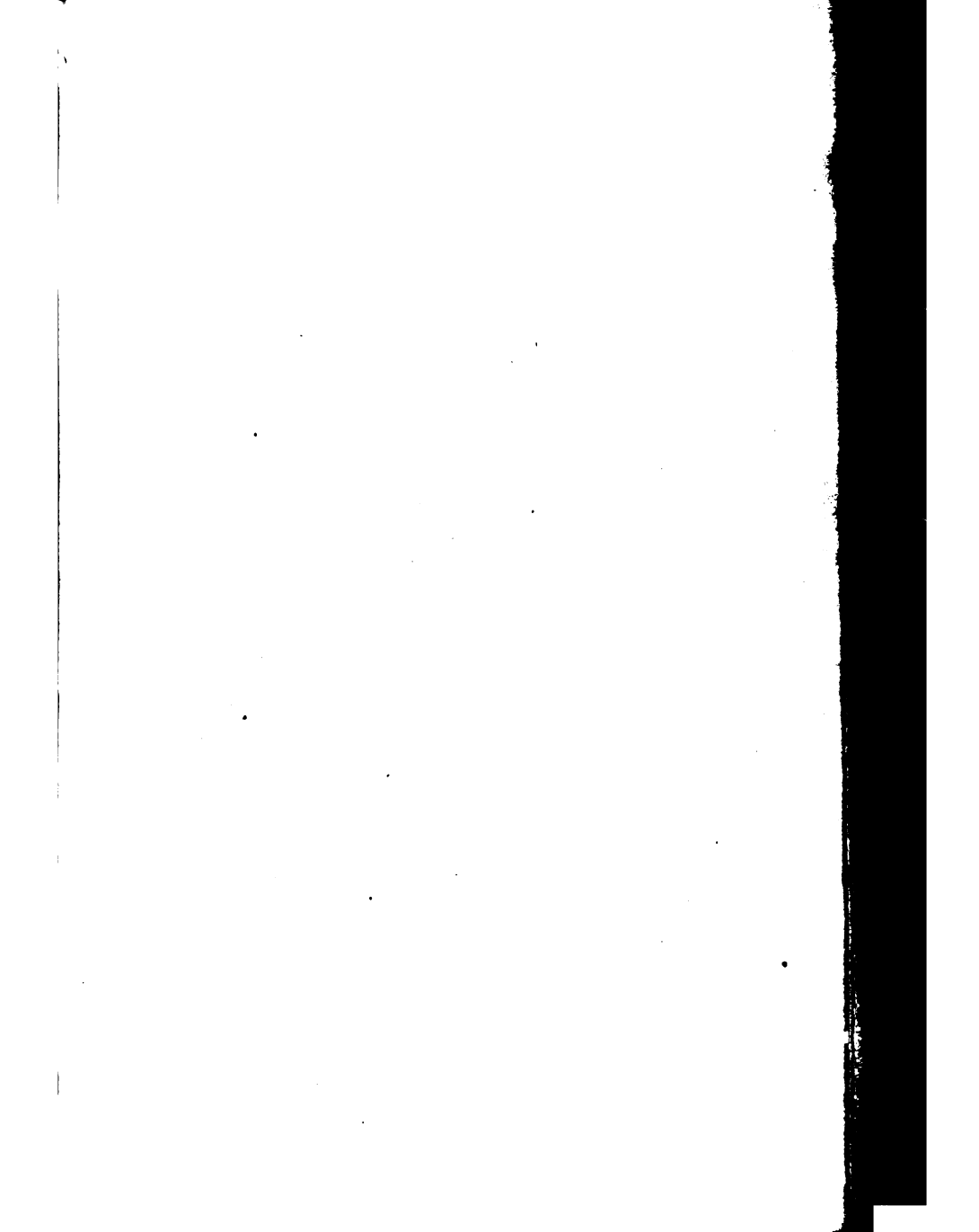
TERRITORIAL PRISONERS—Keeping, etc.

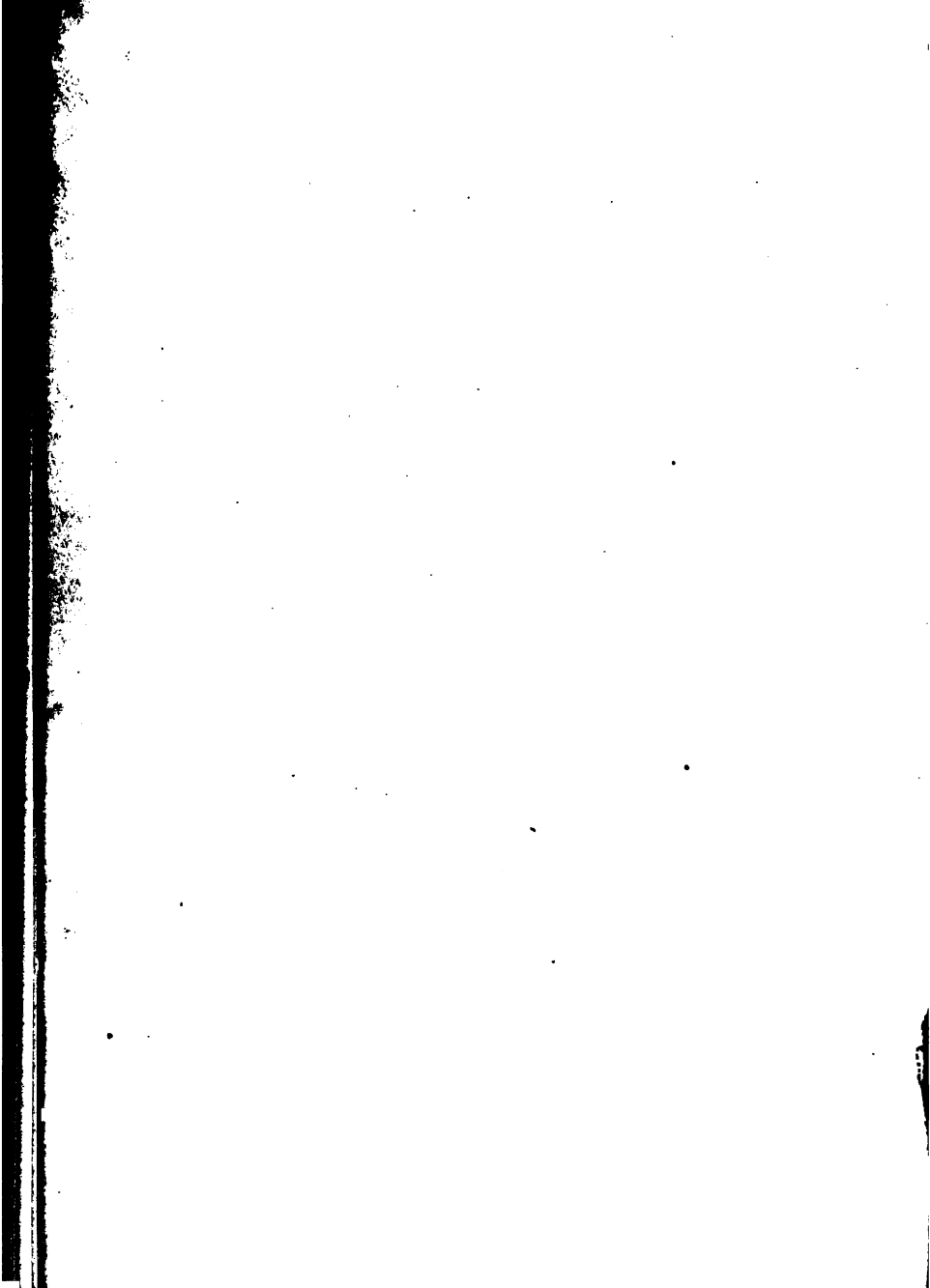
- 1 Repealing proviso in 2d section..... 43
- 2 Governor to certify to Controller amount due United States..... 43
- Controller to draw warrant upon the order of the Governor..... 44

W.

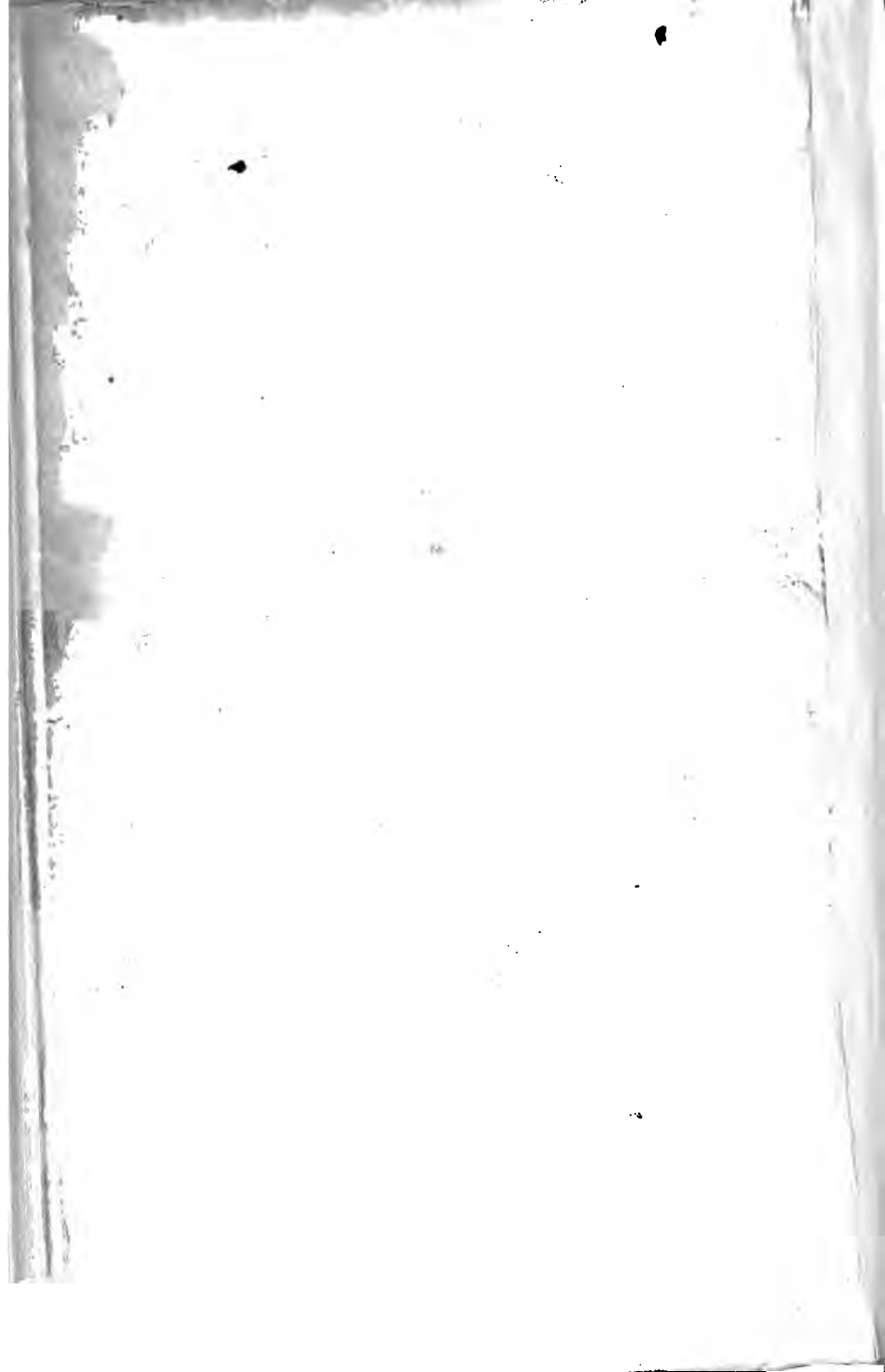
WARRANTS ON FORTY-FIVE PER CENT FUND—Idaho Co.

- 1 Repealing an Act to provide means for paying warrants..... 39











3 6105 063 531 565

Journal 1867. 4th Dec pg 67
8 " " 636